



IMPACT OF LEGISLATION ON JUVENILE DELINQUENCY IN INDIA

DISSERTATION

**Submitted in Partial Fulfilment of the Requirements
for the Award of the Degree of
*Master of Laws***

BY

SHAHID AZAD

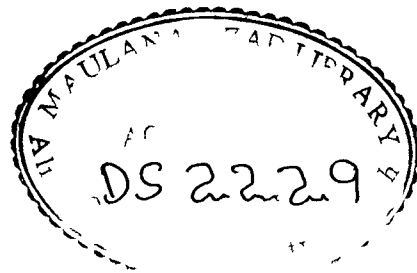
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**FACULTY OF LAW
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1991



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*DEDICATED AS A TOKEN OF DEEP REVERENCE
AND SINCERE GRATITUDE*

TO



(Mr. MD. ZAHID HUSAIN KHAN)

*Without whose help I might have
become a juvenile delinquent.*



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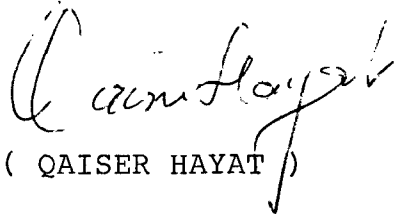
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CERTIFICATE

This is to certify that Mr. SHAHID AZAD of LL.M.(Final) has completed his dissertation entitled "IMPACT OF LEGISLATION ON JUVENILE DELINQUENCY IN INDIA" in partial fulfilment of the requirements for the award of LL.M. degree. He has conducted the study under my supervision.

I wish him every success in his life.

Dated :


(QAISER HAYAT)
Supervisor

"None can resist the universal supremacy of death. Death is the law of all life. The evanescence of all human things is a source of melancholy to which many are subject. Our mind can not grasp the substance of what it aims at, nor our lives realise the visions it sees. All fulfilment of desire is attended with pain. The misery of human nature, with its eternal longing, which creates wants much in advance of man's power of satisfying them, can not but make us feel that life is a curse".

S. Radhakrishnan: Indian Philosophy,

ACKNOWLEDGEMENT

Out of sincere feelings of indebtedness, I must take this opportunity of thanking **Mr. QAISER HAYAT**, Reader, Department of Law, under whose able supervision this work has been carried out. With earnest endeavour, he helped me in a number of ways to give a presentable shape to the material that had been gathered. His keen interest, constant encouragement, penetrating criticism and valuable suggestions at the various stages of the work have made the study what it is.

I acknowledge indebtedness to **Prof. V.S. REKHI**, Dean, Faculty of Law. He has, as always, been quietly supportive and encouraging.

I am especially indebted to **Prof. (Dr.) M. ZAKARIA SIDDIQUI** who mooted the idea of writing on sociolegal problems and has, always been a guiding source of inspiration for me. He constantly guided me toward refinement of my ideas to the point where theory and practicality are happily conjoined.

My greatest debt is due to **Mrs. ATIA SALIM** and **Dr. M. SALIM KIDWAI**, Professor, Department of Islamic Studies, a life dedicated, a source of inspiration and noble example in my quest for **THE BLOSSOMS IN THE DUST**.

I have discussed many of the ideas with my learned teachers, friends and colleagues through out this study. Among them I am

particularly grateful for the encouragement of **Dr. M. SHABBIR**, (Reader, Department of Law), **Mr. SHAMSUL HODA**, **Mr. SARTAJ ALI KHAN**, **Mr. MERAJ A. KHAN**, **Mr. SAJID A. ANSARI**, **Mr. M. SHAHNAWAZ**. Help of a singularly vital kind was given by **Mr. WAJID**. Their personal concern, tenacity in tracking down publications and charm, have turned what would have been a chore into a pleasure.

I am also very grateful for the help rendered to me by mysisters **Ms. RUBINA**, **Ms. SHABINA** and **Ms. ZEENAT**. practically, they gave me the keen insight into the problem.

I have pleasure sans bound in offering my grateful thanks to my mother **Mrs. SITARA KHANUM** for her persistent guidance, constant encouragement and meticulous suggestions throughout my whole life. The target set by her for me is to be achieved.

Finally, for all my appreciation to those who have helped me in this endeavour, however, I alone bear the responsibility for any inaccuracies and imprecisions that appear in the manuscript.


(**SHAHID AZAD**)

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PROLOGUE

P R O L O G U E

Crime is, next to the economy, our major social problem and most potent source of fear. Juvenile crime, on which we spent large sums of money and energy without making much of dent in its inexorable rise, accounts for a large amount of fear and frustration. The delinquent has become the demon of the twentieth century. It has, of course, always been a threat and a source of trouble, but it is not until our own century that it has been thrust to the forefront of social concern. Until our more recent preoccupation with high levels of unemployment and economic decline, survey after survey has identified crime as the prime area of public anxiety, both here and other countries.

Juvenile delinquency is a problem that has caused great concern to the social reformers and social scientists of modern advanced countries. In spite of a high standard of living ensuring adequate necessities and many amenities of life, compulsory universal education upto a fairly high age and ample opportunities for recreation, the number and percentage of juvenile delinquents is not only shooting up, but the quality and complexity of

the offences and the serious aberrations and perversities manifested therein, are intensifying and causing serious anxiety to the sociologists and the social workers.

The phenomenal advances of science and technology in the modern age of speedy aircrafts and guided missiles have tremendously shaken up the old order of human life. Human society is experiencing terrific convulsions of social change. The multisided dynamic developments in different fields of human thought and action are shattering the fundamental basis of social order. A well-knit family life is threatened and the established standards of social behaviour, social norms and values are undergoing bewildering metamorphosis. The continuance of this process has led to increasing deviations and abnormalities in individual behaviour. The criminal in the adult and the delinquent in the juvenile, are none but the upshoots of this process, the process of social disorganization and maladjustments.

The above situation is becoming more and more acute in highly industrialized countries. In the comparatively underdeveloped countries, where the society is still predominantly agrarian, the problem of juvenile

delinquency has not yet reached the same dimensions. However, with the steady economic development and increasing urbanization in certain regions, the social structure and norms are undergoing changes and the problem of juvenile delinquency is coming up. Indian society though rural in character and still changing to age old traditions and culture, cannot escape the onslaught of these powerful forces, that are gradually infiltrating its social fabric. It is quite likely that India may have to face in future the same problems of increasing social maladjustments as the more developed countries are facing now.

Undoubtedly, juvenile delinquency, as one of the several important problems of social deviations, is not totally new. But it has markedly increased in many countries throughout the world since world war-II. This world wide upsurge in delinquency is due to the growing complexity in social structure and the breakdown of traditional pattern of social organization. The reason behind such breakdown of traditional pattern of social organization is mainly due to the rapid pace of industrialization in the countries Don C. Gibbons has stated, "that greater

the degree of industrialization, modernization, urbanization and the like, the higher that rates of delinquency and criminality."¹

Traditional society is relatively simple and small scale with little specialization and division of labour. Traditional society is again predominantly rural in nature, depending on food gathering, hunting or on pastoral activities or on subsistence agriculture. This society has mainly two distinct features. In the first place, social behaviour to a large extent is regulated by the social norms and values of the social setting. Secondly, these social norms and values are related to kinship. In such society kinship plays pivotal role in regulating the rights, duties, expectations and actions of the members of the society. Again, cultural uniformity is prevalent in the traditional society and the kin members act in the mediators of culture in such society. It involves the transfer of total social heritage from one generation to another. The children of such society learn the society accepted behaviour pattern and thus become socially adaptive in character.

1. Don C. Gibbons, Delinquent Behaviour, New Jersey, 1970, p.205.

Industrial revolution, in the beginning of eighteenth century, had shaken the very foundation of the traditional society in Europe particularly in England. Technological inventions have brought about a tremendous effect on the structure of the traditional society. Industrial revolution is the outcome of the technological innovation. Industrialization has in fact brought about many-fold effects on the various parts of our social life. One of the most striking features of industrial age is the growth of city life. Facilities of transport and communication have brought thousands of people nearer to each other and made it convenient for them to live together in cities. Before industrial revolution, economy of the society was of subsistence kind with little division of labour and specialization. The mode of production was small scale. But industrial revolution has changed the mode of production. Thus, large scale production has taken both the work and the worker in the factory and people more and more have started to shift from farming to urban occupation. This stage is known as urbanization and practically urbanization is the result of rapid industrialization.

Juvenile delinquency, as a living social problem, has emerged on account of the rapid pace of industrialization. Industrialization, in conjunction with urbanization,

has shaken the very foundation of the traditional mode of living. Social order is undergoing bewildering metamorphosis. In the new situation, the family, due to its structural as well as functional changes, is losing its control over the children. The process of socialization of a new born babe is falling short due to the apathy on the part of the members of modern family. Children often develop the propensities towards anti-social or non-normative behaviour pattern and ultimately become delinquents. So the role of the family in relation to its incidence on delinquency has become most crucial in modern times.

The problem of juvenile delinquency is more acute in the lower stratum of society, which is more influenced by this disorganization process. The nuclear family that settles down in the city's slums, economically hard-pressed and socially out cast, gradually loses its ideals of community welfare and sentiments of cohesive family life. Marriage-bonds are loosened and sex-partnership becomes the sole aim of marriage. Economic insufficiency coupled with such dissolute relationship on the part of the parents results in neglect and

destitution of the children. Moreover, when the family is broken, other relatives who naturally cared for the child in the village community, no longer take the responsibility. Once the joint family is disintegrated, the neglected or the destitute child is either victimized by adults for their anti-social activities or takes to law violational activities as easy means of supporting himself.

However, the approach of modern society towards youthful violators and adult violators of law differs considerably. Violational behaviour on the part of the children is termed delinquency and attempts are made towards its treatment by the state. Violation of the code as set forth by society on the part of an adult, is, on the other hand, regarded as an offence or crime punishable by law. Thus, the age of the offender is the main differentiating factor between delinquency and crime. A juvenile is not supposed to have reached the age when he can differentiate between right and wrong, and, therefore, he is less responsible for the offence committed. Hence, in terms of law, a 'young offender' below a certain age is delinquent, while an adult

offender beyond that age is criminal. Law, thus, places responsibility for anti-social activities on the basis of the chronological age of the person concerned. From the point of view of the sociologist, this criterion of age as the basis for distinguishing between the criminal and the delinquent is not wholly valid because the age of maturity referring to the psycho-social growth of the child does not always correspond with his chronological age. It has, however, to be accepted so long as other valid criteria are not evolved.

The legalists and the social scientists have concerned themselves with the problem of juvenile delinquency because it has significant bearing on the problem of adult criminality with which society is gravely concerned. Juvenile delinquency is said to be "the widest gateway to crime"². Juvenile delinquents are, therefore, the most promising field for checking adult criminality. Now, if these early seeds are to be discovered and determined, treated and efficiently rooted out, a thorough study of delinquency behaviour is necessary.

2. Sheth Hansa, Juvenile Delinquency in an Indian Setting, First Impression, 1961.

One of the major issues related to the accurate assessment of the delinquency situation is the extent of detected delinquency in relation to undetected one. Usually the more intelligent and the more privileged youngsters from well-to-do homes stay out of the hands of the court though not less delinquent than the detected ones. The detection of delinquency is also conditioned by a number of other variables like place of offence, age and sex of the offender. Detection of delinquency also depends upon the time at the disposal of the police force for looking into childish mis-behaviour, its efficiency and training, the amount of interest taken by it in work, and the co-operation of general public and social workers. Thus, the reported delinquency is usually understatement of the total delinquent situation, the void between the two being in different proportions for different places and at different times.

So far the process of rehabilitation of the juvenile offenders is concerned, almost all nations of the world have accepted the modern philosophy, i.e. corrective methods instead of the classical approach, i.e. punitive methods in relation to both delinquency and criminality.

Hence, juvenile delinquency is essentially a problem that has caused great concern to the social scientists as well as reformers of different advanced societies in the world. Criminology as a special branch of contemporary social sciences has come into the picture only in the recent years. Sheldon Glueck and Elnear Glueck have stated, "we know much more today, about the impulses and surrounding conditions of juvenile delinquency than we did fifty years ago."³ Progress in the field of criminology has been achieved during the last three decades. Social scientists like Sheldon Glueck and Elnear Glueck, Edwin Sutherland, Robert Linder and Walter Bromberg and many others have raised a substantial fund of knowledge in this field. Psychologists are of the opinion that "the individual repeats, throughout his life, the basic patterns of social action established in his youth."⁴ But yet very few psychologists have studied directly, the relation between family atmosphere and criminality.

The origins of the legal approach to juvenile delinquency lie in criminal law. A basic principle of western criminal justice is that there can be no punishment without law, that is, law must be declared in

3. Sheldon Glueck and Elnear Glueck, Unraveling Juvenile Delinquency, Cambridge, 1951, p.4.

4. W. McCord and J. McCord, Origins of Crime, Colombia, 1959, p.79.

advance of the proscribed action. For a crime to have taken place two fundamental elements in behaviour must exist: an overt action causing injury, and a culpable intent, discerned directly within the context of the behaviour or indicated in evidence of a negligent disregard of the welfare of others. A basic concept in criminal law is the principle of responsibility, that the male-factor either intended to commit a harm and understood the nature of intended action or at least was in different as to the harmful effects of his action upon others. The degree of harm bears a relation to the degree of intent, and consequently to the degree of punishment.

Meaning of Crime and Delinquency :

The word 'juvenile' has come from the latin word 'juveniles' which means 'young people'. 'Delinquency' is 'failure' or 'Crime.' Thus juvenile delinquency indicates any failure in or omission of duty or fault or crime on the part of a young or a child. The word delinquency, like the word crime is used frequently in common man's vocabulary. Yet there is no clarity of concept regarding the exact meaning of the term. The definition of the crime as well as definition of delinquency differ

and it is very difficult to find out a precise definition of the concept. From the legal stand point, delinquency is called a pattern of behaviour which is disapproved by the court of law. It is a very simple concept such as ungovernable, incorrigible, unmanageable, desertion from home, and association with anti-social elements. But from social point of view, delinquency means any type of behaviour that is not socially accepted. The difficulty regarding the exact or precise meaning arises due to the fact that legal and moral standards differ in different countries. Prof. Bela Dutta Gupta observes "what appears to be a delinquent behaviour in U.S.A. might not be considered so in other society where there is an institutionalized indulgence to certain behaviour pattern."⁵

According to Encyclopedia Americana, "Juvenile Delinquency is a relatively modern concept referring to the criminality of non adult persons and to certain forms of behaviour on their part which, within the context of different cultures, are regarded as socially deviant."⁶

5. Bela Dutta Gupta, Contemporary Social Problem in India, Calcutta, 1964, p.122.

6. Encyclopedia Americana , Vol.16, International Edition, Encyclopedia Americana Corporation, N.Y., 1966, p.269.

Friedlinder viewed delinquency as "juvenile misconduct that might be dealt with under the law"⁷. According to Cyril Burt "when anti-social tendencies of a child appear so serious that he becomes or ought to become, the subject of official action" then the child is marked as delinquent child.⁸ Paul W. Tappan, an eminent criminologist, has also given a definition of delinquency. To him "Delinquency is any act, course of conduct or situation which might be brought before court and adjudicated whether in fact it comes to be treated there or by some other resources or indeed remains untreated..... The juvenile delinquent is a person who has been adjudicated as such by a court of proper jurisdiction though he may be no different, until the time of court contract and adjudication, at any rate, from masses of children who are not delinquent".⁹

"Juvenile Delinquency is a term employed variously to denote (1) most narrowly, a violation of law committed by a child or youth ; (2) more broadly, the official adjudication by a juvenile court that a child within a stipulated age range (minimum usually seven, maximum variously sixteen, seventeen, or eighteen) has committed

7. D.C. Bhattacharya, Sociology, Calcutta, 1972, p. 628.

8. Cyril Burt; The Young Delinquent, London, 1915, p.15.

9. Paul W. Tappan, Juvenile Delinquency, N.Y., 1949, p.30.

Certain acts in violation of laws or ordinances, or is following a course of conduct or living in a situation justifying court intervention in his interests and in those of society; and (3) most broadly, the conduct of children or youth whose aggressive misbehaviour, lack of respect for authority, or deviant patterns of social adjustment, although perhaps not strictly in violation of any law, is nevertheless disturbing to the community."¹⁰

According to International Encyclopedia of the Social Sciences, "juvenile delinquency is that behaviour on the part of children which may, under the law, subject those children to the juvenile court.... For purposes of scientific inquiry delinquency may be defined as behaviour that is specified by law as grounds for an adjudication of delinquency, and delinquents as those young people who engage in such behaviour".¹¹ The International Encyclopedia of Education defines delinquency "as law-breaking behaviour on the part of those who, by virtue of their youth, are not yet seen as being fully responsible for their actions."¹²

10. Funk & Wagnalls New Encyclopedia, Vol.14, Funk & Wagnalls Inc., New York, p.301.

11. International Encyclopedia of the Social Sciences, Vol.4, Macmillan and Free Press, pp.74-75.

12. The International Encyclopedia of Education, Vol.3, Torsten Husein, T. Neville Postlethwaite (Pergamon), p.1337.

According to Collier's Encyclopedia, "Juvenile Delinquency is that behaviour on the part of children which may, under the law, subject those children to the juvenile court laws".¹³ According to Encyclopedia of Crime and Justice, "Juvenile delinquency refers to conduct by children or youths that is either violative of the prohibitions of the criminal law or is otherwise regarded as deviant and in appropriate."¹⁴

According to Martin H. Neumeyer juvenile delinquency "implies some form of anti-social behaviour involving personal and social-disorganisation, a value judgment applied to the form of conduct in terms of the norms and laws of society and the act tends to affect people adversely."¹⁵

"An activity which deviates from the normal and is forbidden by the laws and sanctions of society", is delinquency to a psychiatrist. Juvenile delinquency is therefore both a social and a legal concept. Some include other acts and conditions which exercise unhealthy and damaging influences on children and adolescents in the scope of the term "juvenile delinquency".¹⁶

13. Collier's Encyclopedia, Vol.13, Macmillan Educational Co., N.Y., 1986, p.692.

14. Encyclopedia of Crime and Justice, Vol.2, Macmillan and Free Press, p.583.

15. M.H. Neumeyer, Juvenile Delinquency in Modern Society, D. Van Nostrand Co., N.Y., 1949 taken from Encyclopedia of Social Work in India, Vol.1, Publications Division, India, 1968, p.189.

16. Encyclopedia of Social Work in India, op.cit. p.189.

Inspite of a number of difinitions the need for a precise definition of the concept was felt by all and it was discussed in the First United Nations Congress on the Prevention of crime and Treatment of Offenders in 1955. The Second United Nations Congress on the Prevention of Crime and Treatment of Offenders held in 1960 declared, "By juvenile delinquency should be understood the commission of an act which, if committed by an adult would be considered a crime."¹⁷

From legal point of view Michael and Adler defined crime as "that behaviour which is prohibited by the Criminal Code."¹⁸ Justice Miller advocates "Crime is the commission or omission of an act, which the law forbids or commands under pain of punishment to be imposed by the state..... and no act is a crime , however, wrong it may seem to the individual conscience, unless it is prohibited by law."¹⁹ A legal definition is inadequate for it considers violation of law as the only criteria and does not think over, misbehaviour and a felony. To

17. D.C. Bhattacharya, Op.cit. p. 628.

18. J. Michael and M.J. Adler, Crime, Law and Social Sciences, 1933, pp. 2-3.

19. Justice Miller, Handbook of Criminal Law, 1934, pp. 16-19.

Prof. Reckless "Criminal behaviour is a violation of the rules of the social order. Crime sociologically speaking, is fundamentally a violation of conduct norms which contain sanctions, no matter whether found in the criminal law of a modern state or merely in the working rules of special social groups."²⁰ Thus sociological conception does not want to limit the definition by stating that crime is merely a violation of the written law.

Again, the psycho-socio-legal conception takes into account "the intent of the criminal, his constitutional and required characteristics as well as his early established reactive tendencies affected by environmental or situational factors."²¹

These two concepts crime and delinquency do not differ enormously from each other. Because, according to the second United Nations Congress on the Prevention of Crime and Treatment of Offenders held in 1960, Juvenile delinquency should be regarded "the commission of an act which, if committed by an adult would be considered as a crime".²² Thus, violation of law

20. W.C. Reckless, Criminal Behaviour, 1940, pp.9-10.

21. D.C. Bhattacharya, Op.cit., p.618.

22. Ibid.

ultimately means violation of social norms and values. Hence, both crime as well as delinquency involve non-normative or anti-social behaviour of pattern.

What is an offence for a juvenile is not an offence for an adult. For example, running away from home or smoking cigarettes is not an offence to an adult but it is more often treated as an offence when committed by a juvenile. Hence, Michael Philipson has stated, "delinquency is a more inclusive category than that of crime although the range of inclusion varies considerably between societies".²³ For example, age limit varies from one country to another even from one state to another within a country as envisaged in the United States. In Belgium, for example, it is 16 years whereas in Sweden those who are below 21 years are taken as juvenile. However, the majority of the nation fix the age limit, with little variation, at 18 years approximately. Besides, what is delinquent behaviour in a country may not be considered so in another. For example, according to English law a boy under 14 years of age

23. Michael Philipson, Social Aspects of Crime and Delinquency, London, 1977, p.117.

can not be made guilty of a 'sex offence' on the presumption that a boy of such age is "in capable of having sexual intercourse". But in the United states it is considered as a delinquent behaviour.²⁴

Types of Delinquency:

With some precision and a degree of practical utility, juvenile delinquents can be categorized into three general classes :(a) the socialized delinquent, (b) the neurotic delinquent, and (c) the psychopathic delinquent. Each of these types exhibits certain traits that distinguish it from the other types and from non-delinquents. Since the background and treatment of each variety of delinquent differs, an understanding of youthful crime should commence with an examination of these differences.²⁵

(a) Socialized Delinquency:

The Socialized delinquent has been analyzed by such researchers as Albert J. Reiss,²⁶ R.L. Jenkins, and Lester Hewitt.²⁷ Socialized delinquents account for the great majority of Crimes. Socialized does not suffer

24. The Encyclopedia Americana, International Edition, Vol.16, p.270.

25. The Encyclopedia of Social Sciences, op.cit. p.87.

26. Reiss, Albert J. Jr., 1952, Social Correlates of Psychological Types of Delinquency, American Sociological Review 17: 710-718. taken from the Encyclopedia of Social Science op.cit. pp.87-88.

27. Hewitt, Lester E.; and Jenkins, Richard L., 1947, Fundamental Patterns of Maladjustment: The Dynamics of Their Origin, Springfield, III : Thomas, taken from The Encyclopedia of Social Sciences, Op.cit. pp. 87-88.

from any particular psychological disorders , other than those which characterize the typical adolescent. His crimes are motivated by a simple desire to conform to the norms of his gang. Often, in early childhood the socialized delinquent joins a gang and imbibes the values and habits of a delinquent subculture. In the fashion of Edwin H. Sutherland, the child learns to become criminal through "differential association" with delinquents.²⁸

However, the process of becoming a socialized delinquent should not be conceptualized as just a matter of chance learning. Only certain children seem to be drawn toward a gang culture. Many researchers have demonstrated that the socialized delinquents seems to be produced by a frustrating and inconsistent familial background. The socialized delinquent has most often been raised in a family characterized by parental conflict, rejection or neglect.²⁹ Such a child searches for alternative ways of fulfilling his basic needs and hence

28. Sutherland; and Cressey (1924), 1960, Principles of Criminology, 6th ed. N.Y.; taken from The Encyclopedia of Social Sciences, op.cit. ,p.88.

29. Glueck; and Glueck, 1950, Unraveling Juvenile Delinquency 1950, N.Y., taken from The Encyclopedia of Social Sciences, op.cit.

such a child adopts the ethic and customs of the gang as a means of assuring himself the sense of importance and security denied him in other ways. By adulthood, the socialized delinquent typically shed the pattern of criminal behaviour.³⁰

(b) Neurotic Delinquency:

The Neurotic Delinquent suffers from deep anxiety, intense insecurity, and, often, pervasive guilt. For such a boy, criminal behaviour is a way of expressing an unresolved conflict and offers a release from anxiety. His behaviour stems from deeply imbedded psychological causes rather than from a simple acceptance of a gang culture, as a means of winning prestige. His behaviour exhibits a compulsive quality. Some studies have described the neurotic delinquent as possessing a 'relatively weak ego' and as tending to isolate him self from other people, particularly other children.³¹ Neurotic delinquents more often continue their criminal behaviour into adulthood.

30. McCord, W.; McCord, J.; and Zola, Irving: 1959, Origins of Crime, N.Y.; taken from The Encyclopedia of Social Sciences, op.cit.

31. Hewitt & Jenkins, op.cit.

c) Psychopathic Delinquency :

The Psychopathic delinquent is relatively rare but, from society's point of view, perhaps the most dangerous of young criminals. He commits a wide gamut of crimes and has a remarkably high rate of recidivism. Almost all investigations of psychopaths' environments indicate that they have been raised in homes characterized by extreme parental brutality, neglect, discord, and intensely severe discipline. Quite often, the psychopath suffers from a neurological disorder, perhaps of a type that decreases his ability to inhibit impulses.³²

32. Mc Cord & Mc Cord ; 1964, The Psychopath :An Essay on the Criminal Mind. New Jersey ; taken from The Encyclopedia of Social Sciences, op.cit.

CHAPTER - I

RIISING TREND OF JUVENILE DELINQUENCY IN INDIA

The world of juvenile delinquents in our country is very chaotic. In the present chapter our main task will be to examine the factors behind delinquency from empirical view points. The court records or the police records do not reveal the real picture of the problem. Almost all the experts are of the opinion that a considerable portion of juvenile offenders evade law enforcement agencies. So the concept of 'hidden' or unobserved delinquency is very common in all societies. Inspite of that inherent difficulty most of the empirical survey relating to delinquency, have been carried out by the experts of the different nations on the basis of these inadequate records. Hansa Seth has rightly stated that "The significance of juvenile court statistics, not as exact measures of child misbehaviour but as indicator of trends, can not, however, be denied. As long as, any alternative and more efficient tool to assess delinquency is not available, their utilitarian value need not be underscored".¹

1. Hansa Seth, Juvenile Delinquency in an Indian Setting, Bombay, 1961, p.XXII.

Juvenile Delinquency under IPC Crime :

A total of 55,887 crimes were committed under the IPC by the Juveniles and Youthful Offenders during 1986 against 49,317 in 1985 recording an increase of 13.3 % in 1986 over 1985. The Juvenile and Youthful Offenders were responsible for 4.0 % of the total IPC crimes reported during 1986 against 3.6% of 1985. The volume of juvenile crime per one lakh of population was 7.3 for 1986 against 6.6 for 1985. Table -1 presents the estimated mid-year population, total cognizable crime under IPC, the total juvenile crime under IPC, percentage of juvenile crime to total cognizable IPC crimes and volume of juvenile crime per lakh of population. The figures would show that the proportion of involvement of juveniles in crime showed increase from 3.4% to 4.0% during 1976 to 1986 and it went up 4.4 % during 1981 and 1982.²

The volume of juvenile crime per lakh of population also increased from 6.0 in 1976 to 8.8 in 1981 and 7.3 in 1986. The break-up of juvenile crime under IPC for the important heads of crime revealed that the highest number of crimes committed by juveniles during 1986

2. Crime In India, 1986, NCRB, Ministry of Home Affairs, Government of India, New Delhi.

was under the crime head 'Theft' (11,873) followed by 'Riots' (6,303) and 'Burglary' (5,042). These three heads together accounted for 41.5% of the total crimes committed by the juveniles. They were also involved in as many as 1,241 cases under 'Murder', 755 cases under 'Robbery', 638 cases under 'Rape' and 607 cases under 'Kidnapping & Abduction'. The highest decline in the incidents of the crime in 1986 over 1985 was under 'Counterfeiting' (75.0 %) but the numerical decline was of 15 cases only followed by 'Culpable Homicide not amounting to murder' (36.2%), 'Criminal Breach of Trust' (14.0 %), 'Riots' (3.9%) and 'Kidnapping & Abduction' (3.3%) , (Please see Table-4).³

Juvenile Delinquency under Local and Special Laws :

A total of 78,743 offences involving juveniles were recorded in 1986 under the Local and Special Laws against 76,492 offences in 1985 registering an increase of 2.9 % in 1986 over 1985. The largest contribution of the total was from offences under the 'Prohibition Act' (15,390) and 'Gambling Act' (10,919). The offences under 'Narcotic Drugs and Psychotropic Substances Act', 'Gambling Act', 'Excise Act', 'Explosive Act', and Explosive Substance Act', 'Motor Vehicles Act', 'Prevention

3. Ibid.

of corruption Act' and 'Indian Railways Act', recorded an increase in 1986 over 1985 while the offences under 'Arms Act', 'Prohibition Act', Immoral Traffic (Prevention) Act', and 'Miscellaneous Offences' under the Local and Special Laws registered a decline during 1986 over 1985, Offences under 'Gambling Act' and 'Prohibition Act', taken together accounted for 33.4 % of the total offences under local and Special Laws. Table -5 presents the relevant statistics.⁴

Juvenile Delinquency In States, Union Territories And Metropolitan Cities :

Under IPC Crimes :

A total of 55, 887 juvenile crimes were recorded in the country during 1986 under IPC cognizable crimes as against 49,317 in the year 1985. The incidence in different states and Union Territories Varied Widely and it has no relationship with the area or population of the States and Union Territories. The three states, viz., Madhya Pradesh (14,584), Maharashtra (12,952) and Gujarat (8,197) accounted for 63.9 % of the total crimes committed by

4. Ibid.

juveniles in the entire country under IPC, while Uttar Pradesh which has the highest population recorded only 190 crimes committed by juveniles. The incidence of crime committed by juveniles under the IPC for the important heads of crime in different states, Union Territories and Metropolitan cities is presented in Table -6. Among cities, juvenile delinquency was highest in Delhi (2,693).⁵

Under Local and Special Laws :

A total of 78,743 offences committed by juveniles were reported in the country during 1986 as compared with 76,492 offences under Local and Special Laws registered during 1985 thereby registering an increase of 2.9 % in 1986 over 1985. Three states, viz., Tamil Nadu (27, 079), Maharashtra (18,892) and Gujarat (14,755) accounted for 77.1 % of the total offences under Local and Special Laws recorded in the country. Here again the incidence of juvenile crime does not bear any discernible relationship with the area or population of the states as would be evident from the fact that only

5. Ibid.

272 cases were reported in Uttar Pradesh and 6,524 cases by Madhya Pradesh. The relevant statistics are set forth in Table -8.⁶

Juvenile Apprehended :

A total of 1,70,149 juveniles and youthful offenders were arrested during 1986, out of which 45.7 % were arrested for committing crimes under IPC. The highest number of arrests under IPC crimes was noticed under the crime heads, 'Riots' (15,468) accounting for 19.9% of total IPC crime, while 'Theft' (14,933) accounted for 19.2% of total arrests under the IPC. The arrests for crimes committed under the Local and Special Laws accounted for 54.3 % of the total arrests. Two Acts, viz., the 'Prohibition Act' (20,174) and the 'Gambling Act' (15,987) together accounted for 39.1 % of the total arrests under the Local and Special Laws. The relevant data may be seen in Table -9. Under the Indian Penal Code, both boys and girls were arrested mainly for 'Riots', 'Theft' and 'Burglary' while under Local and Special Laws boys were mainly arrested under the 'Prohibition Act', and 'Gambling Act'. Girls were arrested mainly under the 'Prohibition Act' and 'Immoral Traffic' (Prevention) Act.⁷

6.Ibid.

7.Ibid.

Juvenile arrested -classified according to sex :

The total number of arrests of juveniles was 1,70,149 in the year 1986 as against 1,33,973 in the year 1976 registering an increase of 27.0 % in 1986 over 1976. The percentage increase among girls was 8.2 % in 1986 over 1976 against an increase of 28.4 % for boys. A total of 1,70,149 juvenile arrests were made in 1986 against 1,68,499 in year 1985 which recorded an increase of 1.0 % for juveniles apprehended in 1986 over 1985. The percentage involvement of girls in the juvenile delinquency indicated an erratic trend over the period. It was 7.0 % in 1976 and 1977 and came down to 6.0 % in 1978. From 1978 to 1981 it showed a gradual decrease from 6.0 % to 4.6 % and the gradual increase in 1982 to 1984. The percentage of girls again showed a decline in 1985 and 1986. The relevant statistics are presented in Table-11.⁸

Juvenile arrested classified according to age:

The statistics of juveniles and youthful offenders apprehended over the past ten years revealed that more than 80.0 % of the juveniles apprehended belonged to 16-21 years age group except in 1976 and 1977 when this

8. Ibid.

percentage was 67.3 % and 75.5 % i.e. less than 80.0 %
 The arrests of juvenile offenders under this age group was 89.9 % in year 1986 which was the maximum. The percentage of juveniles in the same age group was 67.3% in 1976 and went gradually upto 89.9 % in 1986 except a decline in 1983 which was 85.3%. The relevant statistics are presented in Table- 12.⁹

Juvenile apprehended in States, Union Territories and Metropolitan Cities :

The statistics of the number of juveniles apprehended for committing various types of IPC crimes in different states, Union Territories and Metropolitan Cities are presented in Table-13 under important heads of crime while information for Local and Special Laws is presented in Table-14. The distribution of juveniles apprehended by sex and age groups under IPC crimes and also under Local and Special Laws in different States, Union Territories and Metropolitan Cities may be seen in Table 15 to 19.¹⁰

Among the larger States, there was very little juvenile delinquency in Uttar Pradesh, Punjab, Orissa & Kerala. States in which juvenile indulged more in rioting

9. Ibid.

10. Ibid.

than in any other type of offence were Bihar, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Manipur, Tripura, Rajasthan and West Bengal.¹¹

Criminality under the Indian Penal Code among girls was highest in Maharashtra followed by Gujarat. The number of girls booked under Local and Special Laws was highest in Gujarat followed by Tamil Nadu and Maharashtra.¹²

Juvenile delinquency under the Indian Penal Code in all the states and Union Territories was higher in the higher age groups. Similar trend was observed in case of juvenile delinquency under the Local and Special Laws.¹³

Disposal of Juveniles : -

A total of 1,54,399 juveniles were sent to the Courts during 1986, Cases in respect of 57.4 % of the total number of juveniles sent to courts remained pending for disposal at the end of the year. During the year 1986, 14.7 % of the juveniles whose cases were sent to

11. Ibid.

12. Ibid.

13. Ibid.

the Courts for disposal, were either acquitted or otherwise disposed of. The relevant statistics are set forth in Table-21. Of the 1,54,399 juveniles sent to Court during 1986, 7.2% were restored to guardians, 1.1 % were placed on probation, 0.5 % were sent to Reformatories and Borstals, 0.5 % were sent to Schools and Institutions, 2.6 % were sent to Adult Institutions, 16.0 % were imprisoned, 14.7 % were acquitted or otherwise disposed of and cases in respect of 57.4 % of them were pending.¹⁴

Socio-Economic Background Information About Juveniles :

In order to study the phenomenon of juvenile crime, socio-economic background information about the juveniles apprehended is collected under certain broad heads, viz. Family Background, Economic Set-up, Recidivism, Religion, Community and Education.

Family Back Ground :

Information about the family background of the juveniles is collected under three heads, viz.,

14. Ibid.

- i) Living with parents,
- ii) Living with Guardians,
- iii) Homeless.

This information is available in respect of 1,65,451 juveniles without the figures from Delhi U.T. , which are not available. 70.6 % of juveniles arrested were living with their parents, 21.0 % with their guardians and 8.4% were homeless. The all India pattern is not reflected in different states and U.T. In all the States and U.Ts.,¹⁵ more juvenile delinquents were living with their parents.

Economic Environment:

Information regarding economic conditions of the parents or guardians of the juveniles is collected under four heads, viz.,

- i) Lower Income (below Rs. 150 per month^s);
- ii) Lower Middle Income (above Rs.150/- but below Rs. 500/-) ;
- iii) Upper middle Income (above Rs. 500/- but below Rs. 1000/-); and
- iv) Upper Income (above Rs. 1000/- per month).

15. Ibid.

Break-up of data for all the States and U.Ts., except for Delhi~~are~~ available on this aspect of 1,65,451 juveniles. Out of the those juveniles, 50.6 % belonged to those parents or guardians whose income was less than Rs. 150/- per month and there were only 4,852 juveniles belonging to those parents or guardians whose income was Rs.1000/- per month and above. The highest number of juveniles apprehended in the Upper Middle Income Group was noted in Maharashtra (9,032) followed by Gujarat (3,213) and Madhya Pradesh (1,249) while in the Upper Income Group, it was the highest in Tamil Nadu (719) and Rajasthan (713). The all India pattern is not reflected in different states and U.Ts., but the only consistent factor, which is common in all the states and U.Ts, is that the majority of the juvenile apprehended belonged to the lower Income Group.¹⁶

Recidivism :

Information under this head also is available for 1,65,451 juveniles out of whom 88.8 % were new offenders. In almost all the states this pattern was consistent .¹⁷

16. Ibid.

17. Ibid.

Religion :

The classification of juveniles apprehended by religion is available in respect of 1,65,451 juveniles out of which 67.8 % belonged to Hindu religion, while the percentage in respect of Muslims, Sikhs, Christian and others was 19.1, 1.3, 5.0 and 6.8 respectively. This conformed to the population break-up on religious lines and there was no correlation between religion and juvenile delinquency. Out of the 632 juvenile delinquents arrested in Punjab, none was a Sikh whereas 2,088 Sikh juvenile delinquents were arrested in other states. The other States and U.Ts where juvenile Sikh delinquents were not arrested are Arunachal Pradesh, Kerala, Manipur, Mizoram, Nagaland, Sikkim, Goa, Tripura, Dadra & Nagar Haveli, Daman & Diu, Lakshadweep and Pondicherry.¹⁸

Community :

The data classified by community are available in respect of 1,65,451 juveniles, out of which 26.3% and 17.1% belonged to Scheduled Castes and Scheduled Tribes respectively. There is no correlation between caste and juvenile delinquency.¹⁹

18. Ibid.

19. Ibid.

Education :

The classification of juveniles apprehended is collected under four heads, viz. .

- (i) illiterate;
- (ii) below primary;
- (iii) above primary but below matric or higher secondary; and
- (iv) Matric or higher secondary and above.

The data~~ate~~ available in respect of 1,65,451 juveniles, out of whom 41.4 % were illiterate and only 4.4 % were matric and above.²⁰

The relevant statistics under all the heads may be seen in Table 22.

India being one of the countries in Asia could not attain the same status in relation to urbanization as compared to Western countries. Even then, it is an undeniable fact that the process of urbanization in India is taking place in conjunction with industrialization. Our traditional agricultural society and the intimate social atmosphere provided by the joint family prevented any delinquent tendency on the part of the child from becoming a major social problem. The rapid pace

20. Ibid.

of industrialization and urbanization are now working against that intimate social atmosphere. Naturally, delinquent inclinations are increasing day by day. For instance, juvenile offence was 3.4 % in 1976 and increased to 4.0 in 1986. Similarly the volume of juvenile offence per one lakh of population has recorded an increase from 6.0 in 1976 to 7.5 in 1986.²¹

The theory of born criminals nourished by the Italian School of Criminology is in a state of decline. Modern Sociologists and Psychologists are of the opinion that socialization of an individual plays the vital role in personality formation. Socialization is the process by which the newborn child acquires the values of the group and is shaped into a social being. Socialization consists of learning the way in performing certain social roles satisfactorily. A child learns a set of roles first in the family and then in other groups. Naturally, the family lays down the foundation upon which other agencies must build. The role of family in the process of socialization is unique and unrivalled. "Despite the genetic roots of many characteristics, a potent involvement of early childhood influence in the home is also operative in the development and moulding of traits of personality and character of a crippling kind which add to the child's

21. Ibid.

incompetence to meet the demands of life that are made on him in the ever- widening world outside the borders of home!"²²

The major points that comes out through our discussion is that lack of smooth familial relationship generates stress and strain on the part of the family members and ultimately begets tendencies towards socially maladaptive character formation. It is quite natural that unfavourable or unhealthy family life does not play its pivotal role of socialization. We are well aware of the fact that some fundamental needs are considered as the basic requirement as far as the character formation of an individual is concerned. These needs are biological need, need of acceptance, need for affection and for security. A disorganised family cannot fulfil these basic requirements of an individual. As a result, a child feels insecure and unwanted in such a family. He seeks his satisfaction in other ways. Thus mental tension leads to emotional conflict and ultimately, the child may be involved in delinquent activities.

22. S. Glueck and E. Glueck, Family Environment and Delinquency, London, 1962, p.98.

As we see that the rate of delinquency is comparatively very high among the children living with their parents. Out of 1,65,451 juveniles arrested in the year 1986, 70.6 % were living with their parents, 22.0 % were with their guardians and only 8.4 % were homeless (Table -22).²³

So far as the relation between age and delinquency is concerned, Table-12 reveals that delinquent propensities that develop among the children lead to delinquent acts generally not before the age of 12 years. The delinquency trend manifests an increasing tendency with the increase of the age of the children. It is quite high in the age group of 16 -21 years which was 89.9 % in the year 1986.²⁴

We know that education is vitally related to the formation of character and personality at the earlier stages. The Table 22 shows that delinquency rate is not so high among the children. Who have educational background upto matric or higher secondary level. While it is so high i.e. 41.4 % among the illiterates.²⁵ On the basis

23. Crime in India, 1986, op.cit.

24. Ibid.

25. Ibid.

of this data it can be said that education plays a vital role in the personality and character formation of a child.

This is universal truth that children are adventurous as well as ambitious and so, due to the sense of resentment or frustration emanating from their economic position, they are involved in socially unaccepted acts. A family is supposed to provide economic care and protection to members. If it fails to provide the minimum requirements, it results in dissatisfaction among the family members. As a consequence, economic hardship indirectly generates resentment and delinquent trend. Hence, we cannot over-emphasize the role of economic condition in developing delinquent inclination. Shahnaz Anklesaria, in his article "Rebels without A Cause " has stated that "The root of a Child's delinquent behaviour are always in the child's family and in his immediate environment".²⁶

Table-22 elicit that delinquency rate is considerably high among the delinquents having Lower Income status (below Rs. 150 /- per month) which is as high as 50.5 % in 1986, while the rate of delinquency decrease with the increase in the monthly Income of family.²⁷ In this

26. Shahnaz Anklesaria, Published in The Statesman, April 8, 1984.

27. Crime in India, 1986, op.cit.

fashion we can say that economic condition play a vital role in the personality formation of the children.

So far the roles of religion and community are concerned, it can be said that they are having a lesser impact on the formation of maladaptive character and non-normative behaviour, pattern of the child. Table-22 indicates that religion does not play a dominant role in this regard. Though the majority of juveniles arrested in the year 1986, hail from the Hindu community i.e. 67.8 % followed by Muslim Community (19.1%) but it does not mean that Hinduism or Islam is more prone to juvenile delinquency in comparison with other communities.²⁸ But this percentage is very much in accordance with the percentage of the total population in India.

Recidivism is not a matter of great concern in India. Because 88.8 % of the total juveniles arrested in 1986^{were} first time offenders.²⁹ This tendency requires a lot of attention of the sociologists, criminologists and legislators . Because it may be concluded by these

28. Ibid.

29. Ibid.

data available to us that, reformation can control recidivism but not the child to become juvenile delinquent. It can not control or prevent the child from adopting non-normative maladaptive behaviour patterns. Hence, in this regard the only way to tackle juvenile delinquents ^{is} by way of prevention. It is also generally accepted principle of Medical Sciences that "Prevention is better than cure". So far the prevention of child from becoming juvenile delinquent is concerned, family, society, school, peer groups, all plays vital role. But, ^{it} is the family which plays a dominant role in the formation of personality and character of child.

Table -1

Total Cognizable Crime Under IPC, Juvenile Crime Under IPC, Proportion Of Juvenile Crime To Total Crime And Volume Of Juvenile Crime Per One Lakh Of Population

Year	Population in millions (Estimated mid-year)	Total cognizable crime cases under IPC	Total juvenile crime case under IPC	% of juvenile crime to total cognizable crime	Volume of juvenile crime per lakh of population
1	2	3	4	5	6
1976	613.3	10,93,897	37,015	3.4	6.0
1980	663.6	13,68,529	55,129	4.0	8.3
1981	690.1	13,85,757	61,919	4.4	8.8
1982	705.2	13,53,904	59,345	4.4	8.4
1983	720.4	13,49,866	55,473	4.1	7.7
1984	735.6	13,58,660	42,803	3.2	5.8
1985	750.9	13,84,731	49,317	3.6	6.6
1986	766.1	14,05,835	55,887	4.0	7.3

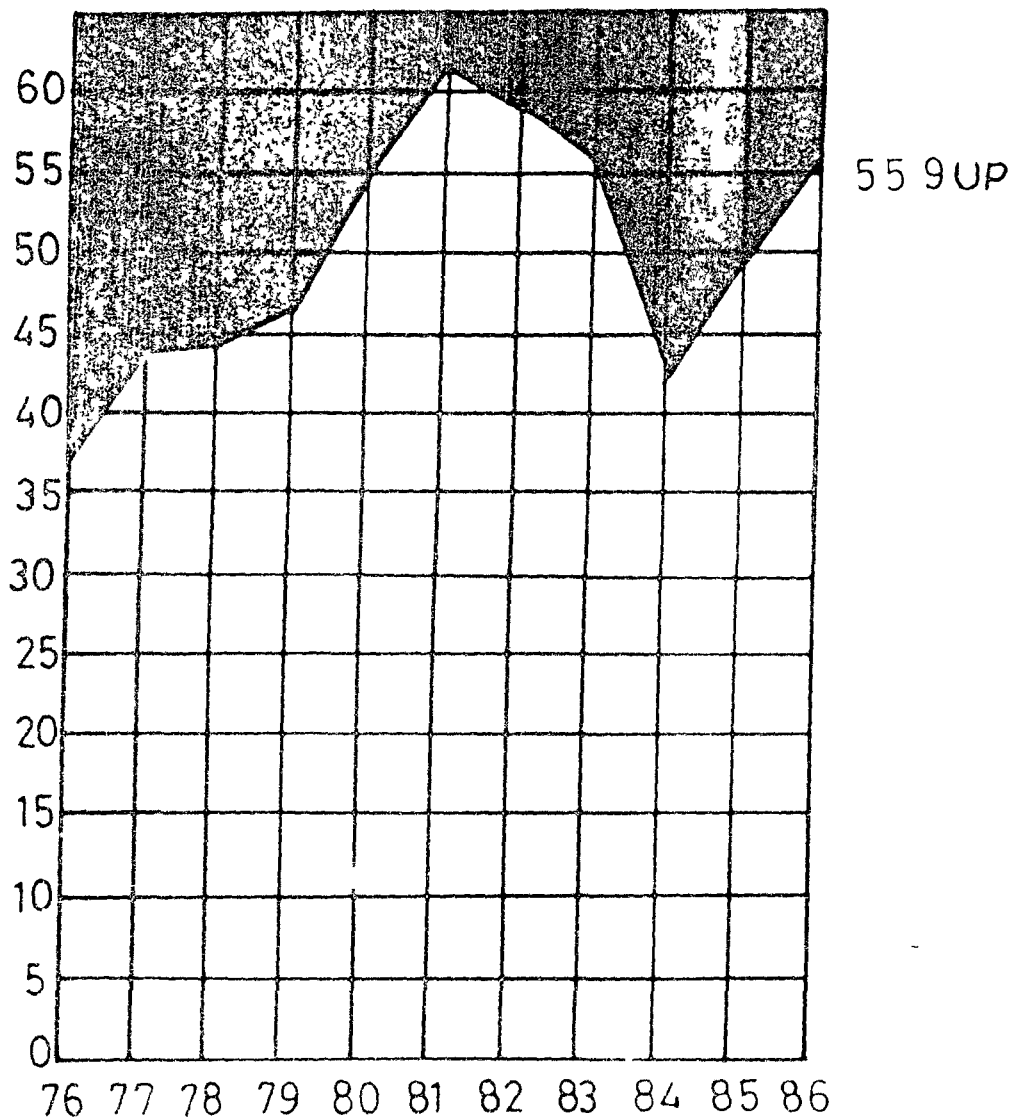
SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

Table-2

JUVENILE DELINQUENCY TOTAL COGNIZABLE CRIME

1976 — 1986

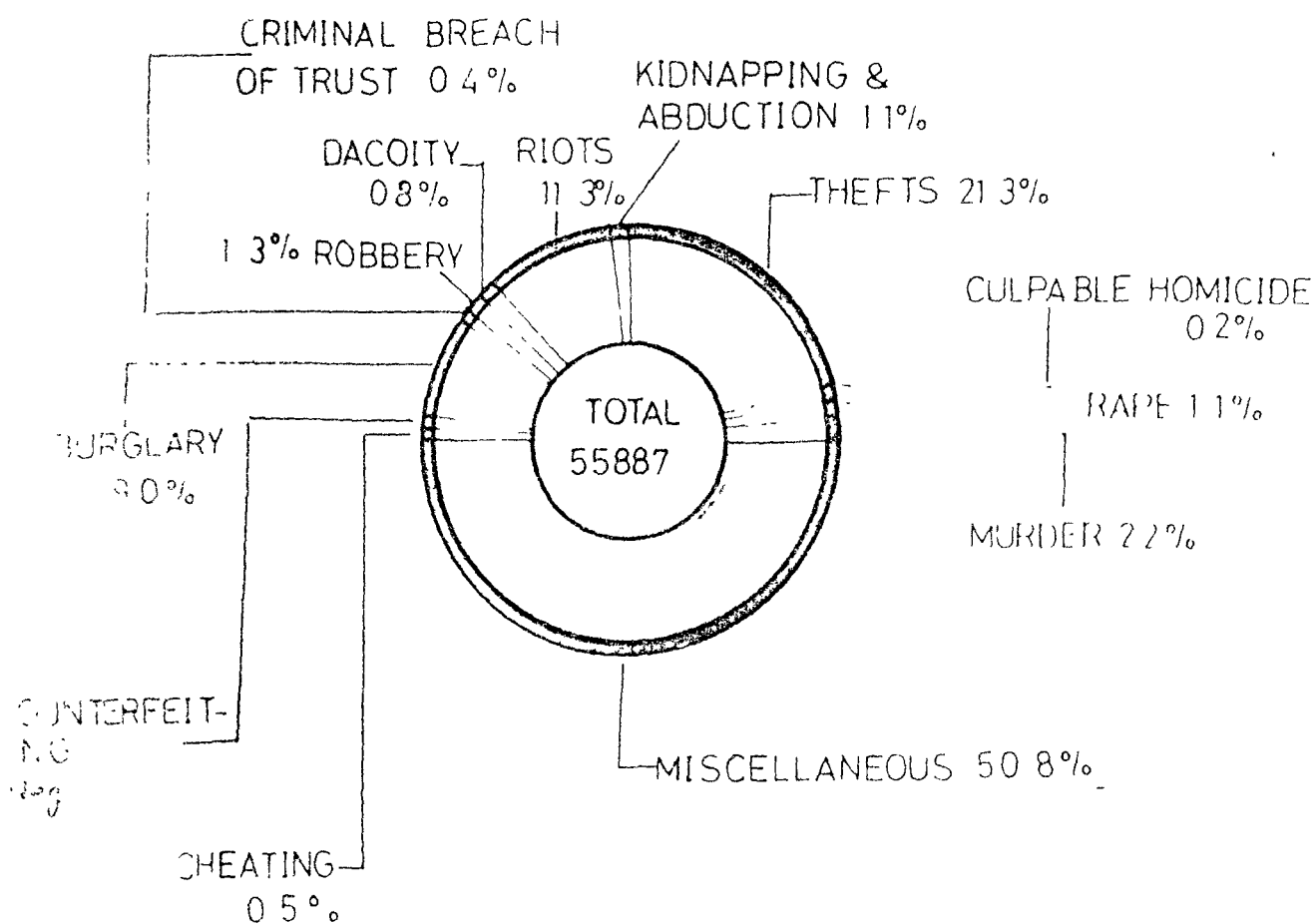
IN THOUSANDS



SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs, Government of India, New Delhi-1989.

Table -3

JUVENILE DELINQUENCY IN DIFFERENT HEADS OF CRIME-1986



SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs, Government of India, New Delhi-1989.

Sl. No.	Heads of offences	Number of cases reported during					Quinquennial average 1981 to 1985	Cases reported during 1986	Percentage change in 1986 over Quinquennial average
		1981	1982	1983	1984	1985			
1	2	3	4	5	6	7	8	9	10
1	Total IPC cognizable crime	61,019	59,345	55,473	42,803	49,317	53,591	55,887	-4.3
1	Murder	1,228	1,289	1,257	1,186	1,178	1,228	1,241	-5.3
2	Culpable Homicide not amounting to murder	92	72	84	121	185	111	118	-6.3
3	Rape	438	441	454	473	371	435	638	+46.7
4	Kidnapping & Abduction	527	612	665	523	628	591	607	-3.3
5	Dacoity	613	651	548	391	349	510	415	-18.6
6	Robbery	1,057	982	991	807	751	918	755	-17.8
7	Burglary	6,720	6,214	5,795	5,030	4,793	5,710	5,042	-11.7
8	Theft	17,516	14,029	13,531	11,449	11,297	13,564	11,873	-12.5
9	Riot	9,979	10,906	8,795	7,009	6,560	8,650	6,303	-27.1
10	Criminal Breach of Trust	272	226	226	214	265	241	228	-5.4
11	Cheating	285	330	281	207	227	266	252	-5.3
12	Counterfeiting	15	3	18	88	20	29	5	-82.8
13	Other IPC offences	22,277	23,590	22,828	15,305	22,693	21,339	28,410	+33.1

SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

Table -5

Juvenile Crime Cases Under Local And Special Laws During 1985 & 1986

Sl. No.	Heads of offences	Number of cases reported during		Share of offences to total offences in 1986
		1985	1986	
1	2	3	4	5
1.	Arms Act	1,244	1,182	1.5
2.	Narcotic Drugs And Psychotropic Substances Act	134	569	0.7
3.	Gambling Act	10,739	10,919	13.9
4.	Excise Act	1,727	1,988	2.5
5.	Prohibition Act	16,757	15,390	19.5
6.	Explosive Act And Explosive Substances Act	25	39	Negligible
7.	Immoral Traffic (Prevention) Act	1,320	1,090	1.4
8.	Motor Vehicles Act	6,064	8,927	11.3
9.	Prevention of Corruption Act	1	4	Negligible
10.	Customs Act	—	—	—
11.	Indian Railways Act	2,355	3,642	4.6
12.	Miscellaneous offences under Local & Special Laws	36,126	34,993	44.3
13.	Total cognizable crime under Local & Special Laws	76,492	78,743	100.0

Negligible - less than 0.05

SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

Table-6

Juvenile Delinquency For Important Heads Of Crime Under IPC During 1986

States/U. Ts/Cities		IPC cognizable cases reported under				
		Murder	Culpable Homicide not amounting to murder	Rape	Kidnapping & abduction	Dacoity
1	2	3	4	5	6	7
STATES :						
1.	Andhra Pradesh	33	2	20	19	12
2.	Arunachal Pradesh	2	—	—	2	—
3.	Assam	59	—	23	31	35
4.	Bihar	50	—	36	34	44
5.	Gujarat	183	3	23	99	31
6.	Haryana	55	7	22	18	2
7.	Himachal Pradesh	8	4	11	6	1
8.	Jammu & Kashmir	5	—	4	18	—
9.	Karnataka	32	—	3	—	—
10.	Kerala	7	—	4	—	—
11.	Madhya Pradesh	251	2	248	68	26
12.	Maharashtra	276	3	136	112	143
13.	Manipur	9	1	1	31	11
14.	Meghalaya	—	—	—	—	—
15.	Mizoram	12	—	14	1	—
16.	Nagaland	—	—	—	—	—
17.	Orissa	2	—	3	—	9
18.	Punjab	13	—	3	4	—
19.	Rajasthan	43	3	21	26	—
20.	Sikkim	—	—	1	—	—
21.	Tamil Nadu	63	1	17	12	4
22.	Tripura	—	—	2	2	2
23.	Uttar Pradesh	13	2	4	6	1
24.	West Bengal	36	23	12	51	79
TOTAL (STATES)		1,152	51	608	540	400
UNION TERRITORIES :						
25.	A. & N. Islands	5	—	—	1	—
26.	Chandigarh	—	—	—	—	—
27.	D. & N. Haveli	1	—	—	1	—
28.	Delhi	77	65	28	63	11
29.	Goa, Daman & Diu	3	2	1	1	4
30.	Lakshadweep	—	—	—	—	—
31.	Pondicherry	3	—	1	1	—
TOTAL (U.Ts.)		89	67	30	67	15
GRAND TOTAL		1,241	118	638	607	415
CITIES :						
1.	Ahmedabad	37	—	1	22	2
2.	Bangalore	4	—	—	—	—
3.	Bombay	3	—	1	2	1
4.	Calcutta	1	—	—	—	—
5.	Delhi	74	63	28	62	1
6.	Hyderabad	—	—	—	—	—
7.	Jaipur	6	1	—	17	—
8.	Kanpur	—	—	—	—	—
9.	Lucknow	1	—	—	3	1
10.	Madras	21	1	1	3	1
11.	Nagpur	9	—	19	23	4
12.	Pune	9	—	8	8	7
TOTAL (CITIES)		165	65	58	140	17

SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs

Table-6 continued

Sl. No.	States/U. Ts./Cities	IPC cognizable cases reported under			
		Robbery	Burglary	Theft	Riot
1	2	8	9	10	11
STATES :					
1.	Andhra Pradesh	15	150	427	123
2.	Arunachal Pradesh	1	7	17	5
3.	Assam	36	442	699	414
4.	Bihar	33	239	587	822
5.	Gujarat	54	559	1,449	600
6.	Haryana	7	195	297	81
7.	Himachal Pradesh	1	73	54	76
8.	Jammu & Kashmir	—	15	51	65
9.	Karnataka	5	74	230	250
10.	Kerala	3	30	32	59
11.	Madhya Pradesh	198	889	1,763	598
12.	Maharashtra	279	1,224	3,190	1,311
13.	Manipur	9	54	54	30
14.	Meghalaya	—	1	11	8
15.	Mizoram	9	30	54	—
16.	Nagaland	—	—	—	—
17.	Orissa	2	154	174	5
18.	Punjab	2	21	24	—
19.	Rajasthan	14	126	256	499
20.	Sikkim	—	2	23	3
21.	Tamil Nadu	15	439	1,041	382
22.	Tripura	—	14	29	29
23.	Uttar Pradesh	—	19	99	—
24.	West Bengal	27	65	370	713
TOTAL (STATES)		710	4,832	10,931	6,073
UNION TERRITORIES :					
25.	A. & N. Islands	—	5	13	20
26.	Chandigarh	—	10	26	1
27.	D. & N. Haveli	1	1	9	5
28.	Delhi	36	142	710	374
29.	Goa, Daman & Diu	5	37	105	116
30.	Lakshadweep	—	1	—	—
31.	Pondicherry	3	14	79	43
TOTAL (U. Ts.)		45	210	942	239
GRAND TOTAL		755	5,042	11,873	6,303
CITIES :					
1.	Ahmedabad	10	120	412	159
2.	Bangalore	2	8	92	6
3.	Bombay	9	1	238	23
4.	Calcutta	—	1	19	—
5.	Delhi	34	135	697	34
6.	Hyderabad	—	32	56	—
7.	Jaipur	1	31	57	43
8.	Kanpur	—	—	—	—
9.	Lucknow	—	10	50	—
10.	Madras	8	23	31	47
11.	Nagpur	36	28	132	19
12.	Pune	19	135	284	77
TOTAL (CITIES)		119	524	2,068	390

SOURCE: Crime In India (1986), National Crime
 Records Bureau Ministry of Home Affairs

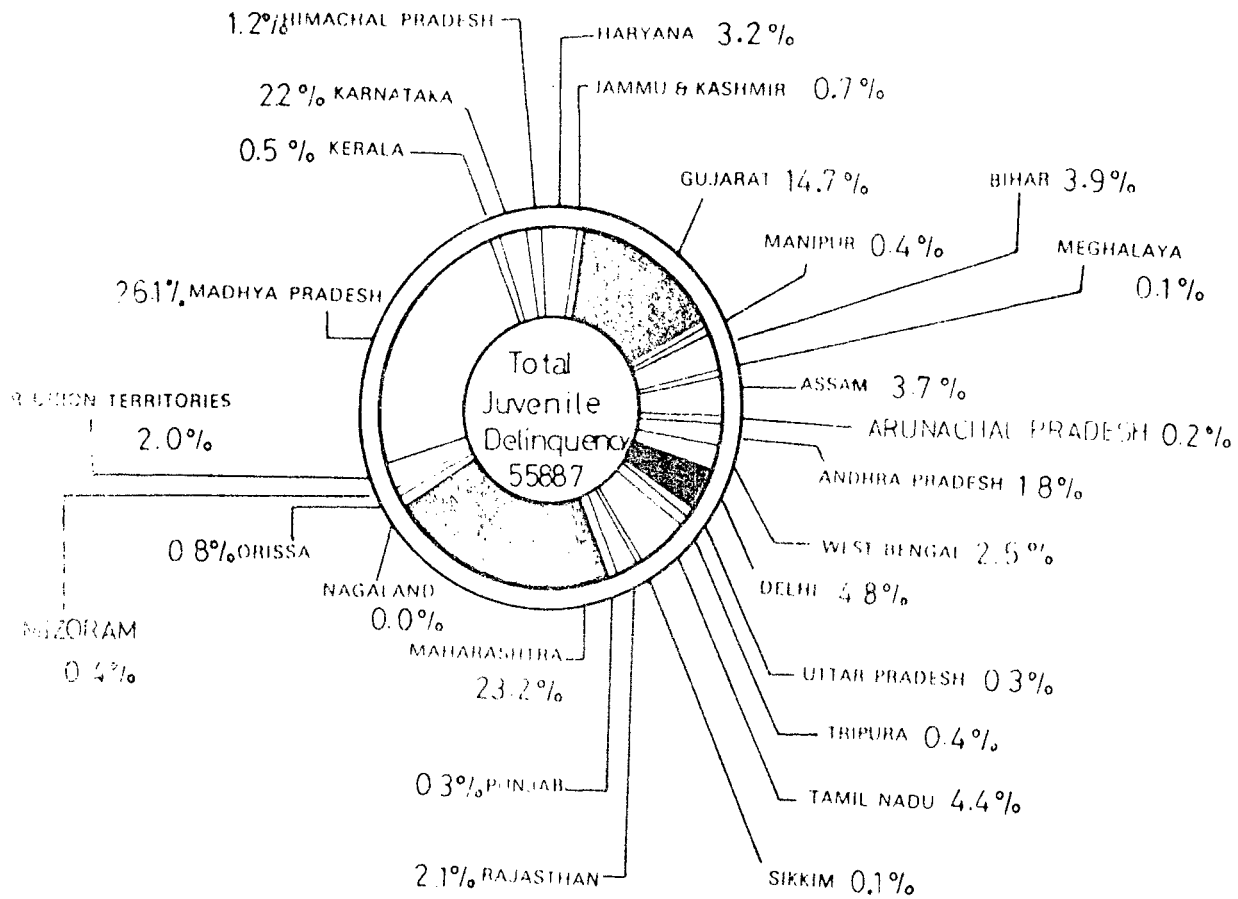
Table-6 continued

States/U. Ts./Cities	IPC cognizable cases reported under			
	Criminal Breach of trust	Cheating	Counterfeiting	Total
2	12	13	14	15
STATES :				
Andhra Pradesh	1	6	—	981
Assam	—	—	—	114
Bihar	12	12	—	2,092
Gujarat	27	11	—	2,193
Haryana	45	54	—	8,197
Karnataka	7	5	—	1,786
Kerala	—	3	—	679
Madhya Pradesh	—	8	—	401
Maharashtra	—	9	1	1,217
Manipur	—	—	—	281
Mizoram	4	8	—	14,584
Nagaland	84	85	2	12,952
Odisha	—	—	1	201
Punjab	—	—	—	24
Rajasthan	20	3	1	252
Sikkim	—	—	—	—
Tamil Nadu	3	1	—	430
Uttar Pradesh	—	—	—	165
West Bengal	1	7	—	1,183
	—	—	—	59
	—	—	—	2,483
	—	—	—	201
	—	5	—	190
	—	—	—	1,414
TOTAL (STATES)	204	217	5	52,079
IN TERRITORIES :				
And N. Islands	—	4	—	187
Chandigarh	—	1	—	72
D. & N. Haveli	2	—	—	50
Dadra	21	29	—	2,721
Goa, Daman & Diu	1	1	—	417
Lakshadweep	—	—	—	1
Pondicherry	—	—	—	360
TOTAL (U.Ts.)	24	35	—	3,808
GRAND TOTAL	228	252	5	55,887
CITIES :				
Calcutta	20	17	—	1,732
Delhi	—	5	—	317
Bombay	11	4	—	437
Coimbatore	—	—	—	25
Cuttack	20	26	—	2,693
Dibrugarh	—	—	—	332
Guwahati	—	2	—	183
Imphal	—	—	—	—
Jaipur	—	2	—	96
Kanpur	—	—	—	297
Lucknow	—	—	—	546
Madurai	5	7	—	1,036
Patna	7	13	—	—
TOTAL (CITIES)	63	76	—	7,694

SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

Table -7

JUVENILE DELINQUENCY IN STATES & UNION TERRITORIES IN INDIA 1986



SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

Table-8

Juvenile Delinquency Under Important Heads Of Local And Special Laws During 1986

Sl. No.	States/U. Ts./Cities	Cases reported under Local & Special Laws against Juveniles			
		Arms Act	Narcotic Drugs & Psychotropic Substances Act	Gambling Act	Excise Act
1	2	3	4	5	6
STATES :					
1.	Andhra Pradesh	—	—	27	1
2.	Arunachal Pradesh	—	—	—	—
3.	Assam	11	—	40	28
4.	Bihar	—	—	24	17
5.	Gujarat	44	—	2,476	—
6.	Haryana	82	16	216	642
7.	Himachal Pradesh	2	7	2	281
8.	Jammu & Kashmir	9	1	1	—
9.	Karnataka	—	—	129	348
10.	Kerala	—	—	17	136
11.	Madhya Pradesh	352	2	1,156	434
12.	Maharashtra	76	97	4,314	—
13.	Manipur	5	94	38	118
14.	Meghalaya	—	—	10	—
15.	Mizoram	5	20	1	—
16.	Nagaland	—	—	—	—
17.	Orissa	—	—	12	73
18.	Punjab	21	10	110	185
19.	Rajasthan	109	4	106	337
20.	Sikkim	—	—	3	—
21.	Tamil Nadu	—	21	1,723	—
22.	Tripura	—	—	2	—
23.	Uttar Pradesh	11	—	14	—
24.	West Bengal	8	—	134	—
TOTAL (STATES)		735	272	10,555	1,760
UNION TERRITORIES :					
25.	A. & N. Islands	—	—	11	107
26.	Chandigarh	14	8	21	63
27.	D. & N. Haveli	—	—	—	—
28.	Delhi	433	278	247	101
29.	Goa, Daman & Diu	—	11	56	—
30.	Lakshadweep	—	—	—	—
31.	Pondicherry	—	—	29	—
TOTAL (U. Ts.)		447	297	364	271
GRAND TOTAL		1,182	569	10,919	1,931
CITIES :					
1.	Ahmedabad	2	—	787	—
2.	Bangalore	—	—	3	—
3.	Bombay	3	3	50	—
4.	Calcutta	—	—	—	—
5.	Delhi	425	266	246	—
6.	Hyderabad	—	—	—	—
7.	Jaipur	79	2	19	—
8.	Kanpur	3	—	3	—
9.	Lucknow	1	—	5	—
10.	Madras	—	—	1,075	—
11.	Nagpur	22	6	413	—
12.	Pune	2	91	51	—
TOTAL (CITIES)		537	368	2,652	—

SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

Cases reported under Local and Special Laws against juvenile

State/U.Ts/Cities	Prohibition Act	Explosives Act & Explosive Substances Act	Immoral Traffic (Prevention) Act	Motor Vehicles Act
1	7	8	9	10
STATES :				
Andhra Pradesh	—	—	91	1,441
Assam	—	—	—	—
Bihar	10	—	—	—
Goa	—	24	—	—
Gujarat	7,716	4	5	8
Haryana	—	—	—	—
Karnataka	—	—	—	—
Kerala	—	—	—	—
Madhya Pradesh	—	—	—	—
Manipur	—	—	—	—
Mizoram	—	—	—	—
Nagaland	—	—	—	—
Odisha	6,321	—	15	123
Punjab	—	—	1	—
Rajasthan	—	—	—	—
Tamil Nadu	—	—	—	31
Uttar Pradesh	—	—	—	—
West Bengal	50	8	—	—
STATES (STATES)	15,387	37	1,071	8,868
UTTER TERRITORIES :				
Andaman & Nicobar	3	1	—	5
Chandigarh	—	—	—	—
Dadra & Nagar Haveli	—	—	—	—
Daman	—	1	7	—
Diu, Daman & Diu	—	—	12	4
Lakshadweep	—	—	—	—
Pondicherry	—	—	—	50
UTTER TERRITORIES (U.Ts.)	3	2	19	59
GRAND TOTAL	15,390	39	1,090	8,927
CITIES :				
Mumbai	1,577	—	2	—
Calcutta	—	—	3	150
Bombay	84	—	—	72
Delhi	—	1	—	—
Madras	—	1	—	—
Hyderabad	—	—	91	1,946
Chennai	—	—	3	—
Coimbatore	—	—	—	—
Guwahati	—	—	—	—
Jaipur	124	—	—	—
Patna	759	—	—	23
Thiruvananthapuram	99	—	—	1
CITIES (CITIES)	2,643	2	99	2,192

SOURCE: Crime In India (1986), National Crime
Records Bureau Ministry of Home Affairs
Government of India, New Delhi-1989.

Table-8 continued

Sl. No.	States/U. Ts/Cities	Cases reported under Local And Special Laws against Juveniles				Total
		Prevention of corruption Act	Customs Act	Indian Railways Act	Other Offences	
1	2	11	12	13	14	15
STATES :						
1.	Andhra Pradesh	—	—	—	3,011	4,571
2.	Arunachal Pradesh	—	—	—	—	—
3.	Assam	—	—	2	94	185
4.	Bihar	—	—	—	32	97
5.	Gujarat	—	—	3	4,499	14,755
6.	Haryana	—	—	7	79	1,042
7.	Himachal Pradesh	—	—	—	43	335
8.	Jammu & Kashmir	—	—	—	21	32
9.	Karnataka	—	—	—	85	509
10.	Kerala	2	—	—	55	82
11.	Madhya Pradesh	—	—	139	15	6,524
12.	Maharashtra	2	—	3,295	4,649	18,892
13.	Manipur	—	—	—	31	787
14.	Meghalaya	—	—	—	—	10
15.	Mizoram	—	—	—	118	175
16.	Nagaland	—	—	—	—	—
17.	Orissa	—	—	21	18	54
18.	Punjab	—	—	10	9	345
19.	Rajasthan	—	—	4	27	310
20.	Sikkim	—	—	—	—	48
21.	Tamil Nadu	—	—	1	20,582	27,079
22.	Tripura	—	—	—	5	7
23.	Uttar Pradesh	—	—	14	233	272
24.	West Bengal	—	—	80	193	473
TOTAL (STATES)		4	—	3,576	33,799	76,054
UNION TERRITORIES :						
25.	A & N Island	—	—	—	33	120
26.	Chandigarh	—	—	—	38	177
27.	D & N Haveli	—	—	—	—	—
28.	Delhi	—	—	65	158	1,211
29.	GOA, Daman & Diu	—	—	1	30	11
30.	Lakshadweep	—	—	—	—	—
31.	Pondicherry	—	—	—	935	1,000
TOTAL (U. T.)		—	—	66	1,194	2,418
GRAND TOTAL		4	—	3,642	34,993	78,472
CITIES :						
1.	Ahmedabad	—	—	—	1,044	3,412
2.	Bangalore	—	—	—	2	612
3.	Bombay	—	—	—	249	401
4.	Calcutta	—	—	—	—	5
5.	Delhi	—	—	65	121	1,200
6.	Hyderabad	—	—	—	3,013	9,800
7.	Jaipur	—	—	—	2	110
8.	Kanpur	—	—	—	13	10
9.	Lucknow	—	—	—	—	10
10.	Madras	—	—	—	10,930	12,151
11.	Nagpur	—	—	—	853	2,071
12.	Pune	—	—	—	759	1,000
TOTAL (CITIES)		—	—	65	16,986	25,461

SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

Table-9

Juveniles apprehended in India by Age Group and Sex during 1986

Sl. No.	Crime Head	Between 7-12 years		Between 12-16 years		Between 16-18 years		Between 18-21 years		Overall age groups			Total Boys + Girls
		Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Girls	
1	2	3	4	5	6	7	8	9	10	11	12	13	
1	Murder	32	3	138	7	303	32	1,304	71	1,777	113	1,890	
2	Culpable homicide not amounting to murder	1	—	8	1	25	1	144	5	178	7	185	
3	Rape	4	—	53	1	125	—	574	4	756	5	761	
4	Kidnapping & Abduction	3	—	14	4	95	11	580	46	692	61	753	
5	Dacoity	1	1	16	—	113	—	735	10	865	11	876	
6	Robbery	3	—	24	—	146	—	801	7	974	7	981	
7	Burglary	217	12	956	13	1,108	19	4,144	134	6,425	178	6,603	
8	Theft	525	42	2,209	110	2,560	159	8,979	349	14,273	660	14,933	
9	Riot	81	17	674	39	2,611	120	11,326	600	14,692	776	15,468	
10	Criminal Breach of Trust	32	4	46	4	39	3	187	2	304	13	317	
11	Cheating	2	—	12	—	18	1	254	8	286	9	295	
12	Counterfeiting	—	—	—	1	2	—	24	2	26	3	29	
	Total cognizable crime under IPC	1,319	146	6,430	407	13,160	713	52,693	2,823	73,602	4,089	77,691	
LOCAL AND SPECIAL LAWS													
1.	Arms Act	3	—	10	—	172	—	1,090	6	1,275	6	1,281	
2	Narcotic Drugs and Psychotropic Substances Act	—	—	3	—	61	2	629	14	693	18	711	
3.	Gambling Act	48	—	587	2	2,216	3	13,102	24	15,953	34	16,127	
4.	Excise Act	3	1	85	5	314	28	1,568	202	1,970	236	2,206	
5	Prohibition Act	86	14	732	125	2,555	328	14,412	1,922	17,785	2,389	20,174	
6.	Explosives and Explosive Substances Act	—	—	2	—	15	2	42	—	59	2	61	
7.	Immoral Traffic (Prevention) Act	—	—	1	115	7	288	39	1,079	47	1,482	1,529	
8.	Motor Vehicles Act	103	—	325	—	464	1	8,520	18	9,412	19	9,431	
9.	Prevention of Corruption Act	—	—	—	—	—	—	2	—	2	—	2	
10.	Customs Act	—	—	—	—	—	—	—	—	—	—	—	
11	Indian Railways Act	6	—	24	—	170	3	3,292	5	3,492	8	3,500	
12.	Other Offences not included above	3336	73	3,225	85	3,308	130	25,818	1,601	35,687	1,889	37,576	
13.	Total of Local & Special Laws	3,585	88	4,994	332	9,282	785	68,514	4,878	86,375	6,083	92,458	
14.	Grand Total	4,904	234	11,424	739	22,442	1,498	1,21,207	7,701	1,59,977	10,172	1,70,149	

SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs, Government of India, New Delhi-1989.

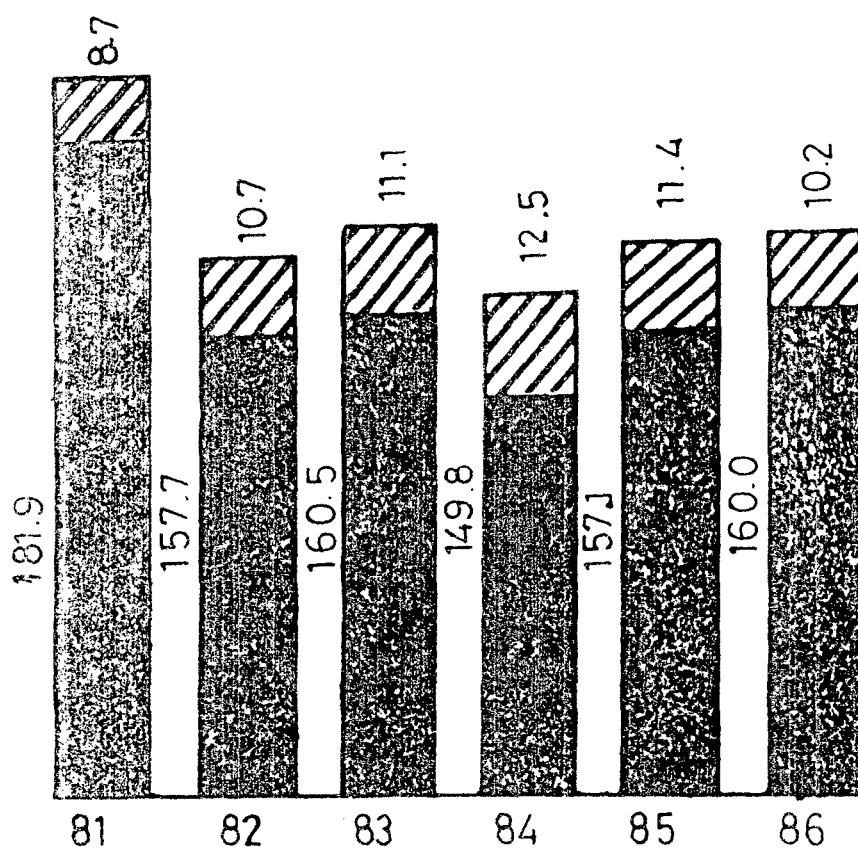
Table-10'

JUVENILES APPREHENDED (BY SEX)

1981—1986

 GIRLS
 BOYS

IN THOUSANDS



SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

Table-11

Juveniles apprehended by sex

	Boys	Girls	Total	Percentage of Girls
	2	3	4	5
	1,24,569	9,404	1,33,973	7.0
	1,38,532	10,390	1,48,922	7.0
	1,51,187	9,732	1,60,919	6.0
	1,60,310	9,733	1,70,043	5.7
	1,78,129	9,456	1,87,585	5.0
	1,81,888	8,679	1,90,567	4.6
	1,57,664	10,673	1,68,337	6.3
	1,60,513	11,101	1,71,614	6.5
	1,49,755	12,505	1,62,260	7.7
	1,57,107	11,392	1,68,499	6.8
	1,59,977	10,172	1,70,149	6.0
Age change in 1986 over 1976	+28.4	+8.2	+27.0	
Age change in 1986 over 1985	+1.8	+0.7	+1.0	

SOURCE: Crime In India (1986), National Crime
Records Bureau Ministry of Home Affairs
Government of India, New Delhi-1989.

Table-12

Juveniles apprehended by Age Group

Sl. No.	Years	7-12 years	%age to total	12-16 years	%age to total	16-18 years	%age to total	18-21 years	%age to total	Overall age group
1	2	3	4	5	6	7	8	9	10	11
1.	1976	19,706	14.7	24,073	18.0	19,960	14.9	70,234	52.4	1,33,973
2.	1977	15,113	10.1	21,391	14.4	24,011	16.1	88,407	59.4	1,48,922
3.	1978	11,955	7.4	18,954	11.8	25,488	15.8	1,04,522	65.0	1,60,919
4.	1979	10,539	6.2	18,315	10.8	26,226	15.4	1,14,963	67.6	1,70,043
5.	1980	10,457	5.6	20,048	10.7	36,899	19.7	1,20,181	64.0	1,87,585
6.	1981	9,485	5.0	17,649	9.3	33,969	17.8	1,29,464	67.9	1,90,567
7.	1982	8,272	4.9	15,218	9.1	25,618	15.2	1,19,229	70.8	1,68,337
8.	1983	8,290	4.8	16,949	9.9	26,153	15.2	1,20,222	70.1	1,71,614
9.	1984	5,846	3.6	12,472	7.7	25,054	15.4	1,18,888	73.3	1,62,260
10.	1985	5,991	3.6	11,516	6.8	21,172	12.6	1,29,820	77.0	1,68,499
11.	1986	5,138	3.0	12,163	7.1	23,940	14.1	1,28,908	75.8	1,70,149
	Percentage change in 1986 over 1976	-73.9		-49.5		-19.9		-83.5		-27.0
	Percentage change in 1986 over 1985	-14.2		-5.6		-13.1		-0.7		-1.0

SOURCE: Crime In India (1986), National Crime
Records Bureau Ministry of Home Affairs
Government of India, New Delhi-1989.

Table-13

Juvenile Apprehended Under Important IPC Heads During 1986

States/U.Ts/Cities	Murder	Culpable homicide not amounting to murder	Rape	Kidnapping & Abduction	Dacoity	Robbery
1	3	4	5	6	7	8
STATES :						
Andhra Pradesh	54	2	29	34	42	49
Arunachal Pradesh	2	—	—	2	1	1
Assam	66	—	26	27	93	51
Bihar	73	—	45	38	85	45
Gujarat	365	3	25	124	103	79
Haryana	79	8	33	17	5	12
Himachal Pradesh	11	6	15	6	—	2
Jammu & Kashmir	16	—	4	23	—	—
Karnataka	51	—	5	—	—	5
Kerala	9	—	4	—	—	5
Madhya Pradesh	337	2	265	88	96	214
Maharashtra	463	48	183	169	285	372
Manipur	13	1	2	34	30	24
Meghalaya	—	—	—	—	—	—
Mizoram	12	—	14	1	—	9
Nagaland	—	—	—	—	—	—
Orissa	3	—	6	—	11	3
Punjab	19	—	4	4	—	3
Rajasthan	59	3	27	28	—	—
Sikkim	—	—	1	—	—	—
Tamil Nadu	98	1	22	13	9	27
Tripura	—	—	3	3	5	—
Uttar Pradesh	17	2	5	8	1	—
West Bengal	37	23	12	54	89	28
TOTAL (STATES)	1,784	99	730	673	855	904
UTERRITORIES :						
A & N Islands	5	—	—	1	—	—
Chandigarh	—	—	—	—	—	—
D & N Haveli	1	—	—	1	—	1
Delhi	89	84	29	76	11	63
Goa, Daman & Diu	4	2	1	1	10	8
Lakshadweep	—	—	—	—	—	—
Pondicherry	7	—	1	1	—	5
TOTAL (U.T.S.)	106	86	31	80	21	77
GRAND TOTAL	1,890	185	761	753	876	981
CITIES :						
Mumbai	82	—	1	29	3	11
Bangalore	4	—	—	—	—	2
Bombay	3	—	3	1	2	12
Calcutta	1	—	—	—	—	—
Delhi	84	80	29	74	9	60
Hyderabad	—	—	—	—	—	—
Jaipur	8	—	—	9	—	5
Kanpur	—	—	—	—	—	—
Lucknow	1	—	—	2	—	—
Madras	25	1	1	3	1	17
Jaipur	11	—	23	25	22	46
Patna	14	—	9	13	1	34
TOTAL (CITIES)	253	81	66	156	38	187

SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

Table-13 continued

Sl. No.	States & Union Territories	Police Stations	Police Stations	Police Stations	Police Stations	Police Stations	Police Stations	Total Recognizable crime under IPC
1	2	3	4	5	6	7	8	9
STATES								
1	Andhra Pradesh	205	820	1	1	1	1	1,436
2	Arunachal Pradesh	11	1	1	1	1	1	243
3	Assam	515	1,000	10	1	1	1	2,853
4	Bihar	290	1,000	1	1	1	1	4,032
5	Gujarat	692	1,800	1	1	1	1	12,567
6	Haryana	268	1,000	1	1	1	1	2,489
7	Himachal Pradesh	117	80	84	1	1	1	1,056
8	Jammu & Kashmir	40	143	2,1	1	1	1	1,534
9	Karnataka	101	319	20	1	1	1	1,817
10	Kerala	40	13	265	1	1	1	453
11	Madhya Pradesh	374	1,000	106	13	30	1	13,558
12	Maharashtra	1,640	1,141	6,76	176	98	17	20,368
13	Manipur	72	65	37	1	1	3	381
14	Meghalaya	1	20	2	1	1	1	55
15	Mizoram	37	1	1	1	1	1	324
16	Nagaland	1	1	1	1	1	1	1
17	Orissa	160	150	9	1	1	1	496
18	Punjab	17	24	1	1	1	7	221
19	Rajasthan	175	1,000	132	1	13	1	3,139
20	Sikkim	2	25	13	1	1	1	66
21	Tamil Nadu	490	1,150	846	1	1	1	3,219
22	Tripura	20	50	163	1	1	1	282
23	Uttar Pradesh	22	108	1	1	5	1	224
24	West Bengal	65	194	961	1	1	1	1,701
TOTAL (STATES)		6,373	13,886	11,944	287	260	29	72,516
UNION TERRITORIES								
25	A & N Islands	5	13	10	1	4	1	187
26	Chandigarh	8	33	5	1	1	1	248
27	D & N Haveli	2	11	12	2	1	1	67
28	Delhi	148	775	109	27	29	1	3,348
29	Goa, Daman & Diu	42	133	237	1	1	1	697
30	Lakshadweep	6	1	1	1	1	1	6
31	Pondicherry	19	52	132	1	1	1	622
TOTAL (U.T.s)		230	1,047	824	30	35	1	5,173
GRAND TOTAL		6,603	14,933	12,768	317	295	30	77,689
CITIES								
1	Ahmedabad	141	157	674	22	19	1	2,647
2	Bangalore	18	130	6	1	5	1	300
3	Bombay	2	258	8	7	4	1	508
4	Calcutta	1	2	1	1	1	1	33
5	Delhi	133	766	108	26	28	1	3,183
6	Hyderabad	23	55	1	1	1	1	332
7	Jaipur	114	156	152	1	10	1	743
8	Kanpur	1	1	1	1	1	1	1
9	Lucknow	7	10	1	1	1	1	31
10	Madras	28	42	92	1	1	1	372
11	Nagpur	33	138	161	6	9	1	767
12	Pune	230	17	1	11	22	1	2,554
TOTAL (CITIES)		730	1,551	1,165	73	98	1	11,571

SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

Table-14

Juvencles Apprehended U

Under Local & Special Laws During 1985

Sl. No. / Cities	No. of Juveniles Apprehended	Prevention of Corruption Act	Prohibition of Child Marriage Act	Customs Act	Contract Act	Immigration Act	Prevention of Corruption Act
1	2	3	4	5	6	7	8
STATES							
Andhra Pradesh		—	—	—	13	133	—
Assam		—	—	—	—	—	—
Bihar		—	—	—	—	—	—
Gujarat		—	9 463	—	3 591	11	—
Haryana		—	—	—	383	—	—
Himachal Pradesh		—	—	—	6	—	—
Jammu & Kashmir		—	—	—	3	—	—
Karnataka		—	—	—	216	120	—
Kerala		—	—	—	24	—	2
Madhya Pradesh		—	—	—	385	—	—
Madh Pradesh		—	9 452	—	6 027	4	—
Manipur		—	—	—	68	1	—
Mizoram		—	—	—	13	—	—
Nagaland		—	—	—	—	—	—
Nagaland		—	—	—	—	—	—
Punjab		—	—	—	117	—	—
Rajasthan		—	—	—	124	3	—
Sikkim		—	—	—	—	—	—
Tamil Nadu		—	1 191	—	1 855	1 222	—
Tripura		—	—	—	—	—	—
Uttar Pradesh		—	—	—	13	—	—
West Bengal		—	52	—	33	—	—
TOTAL (STATES)			20 171	—	15 505	1 504	—
UTTERITORIES							
Andaman Islands		—	3	—	11	—	—
Chandigarh		—	—	—	8	—	—
D & N Haveli		—	—	—	—	—	—
Daman		—	—	—	308	9	—
Goa, Daman & Diu		—	—	—	63	16	—
Lakshadweep		—	—	—	—	—	—
Pondicherry		—	—	—	72	—	—
Total (UTs)			3	—	480	25	—
GRAND TOTAL			20 174	—	15 985	1 529	2
CITIES							
Ahmedabad		—	1 637	—	1 061	8	—
Bangalore		—	—	—	—	11	—
Bombay		—	84	—	60	—	—
Calcutta		—	—	—	—	—	—
Delhi		—	—	—	300	2	—
Hyderabad		—	—	—	—	21	—
Jaipur		—	—	—	19	2	—
Kanpur		—	—	—	3	—	—
Kolkata		—	—	—	—	—	—
Madras		—	124	—	—	301	—
Meerut		—	781	—	851	—	—
Mumbai		—	135	—	110	—	—
Total (CITIES)			2 581	—	1 984	342	—

SOURCE: Crime In India (1986), National Crime
Records Bureau Ministry of Home Affairs
Government of India, New Delhi-1989.

Table-14 continued

Sl No	States/U Ts/Cities	Motor Vehicles Act	Indian Railways Act	Arms Act	Explosives & Explosive Substances Act	Other Offences	Total of Local & Special Laws
1	2	10	11	12	13	14	15
STATES							
1	Andhra Pradesh	1,241	—	—	1	3,638	5,036
2	Arunachal Pradesh	—	—	—	—	—	—
3	Assam	—	2	16	—	105	253
4	Bihar	—	—	—	42	35	132
5	Gujarat	9	5	52	5	5,726	19,165
6	Haryana	—	7	82	—	95	1,254
7	Himachal Pradesh	—	—	2	—	55	358
8	Jammu & Kashmir	—	—	40	—	48	91
9	Karnataka	150	—	—	—	129	673
10	Kerala	2	—	—	—	57	99
11	Madhya Pradesh	4,427	143	356	—	15	7,826
12	Maharashtra	127	3,118	122	—	4,844	23,903
13	Manipur	—	—	9	—	42	432
14	Meghalaya	—	—	—	—	—	13
15	Mizoram	31	—	5	—	274	332
16	Nagaland	—	—	—	—	—	—
17	Orissa	—	26	—	—	18	59
18	Punjab	34	12	21	—	32	411
19	Rajasthan	40	4	109	—	48	350
20	Sikkim	45	—	—	—	—	48
21	Tamil Nadu	3,266	1	—	1	20,760	28,318
22	Tripura	—	—	—	—	8	13
23	Uttar Pradesh	—	15	12	—	276	317
24	West Bengal	—	91	9	8	203	597
TOTAL (STATES)		9,372	3,424	835	57	36,408	89,680
UNION TERRITORIES							
25	A & N Islands	5	—	—	1	33	120
26	Chandigarh	—	—	13	—	24	109
27	D & N Haveli	—	—	—	—	—	—
28	Delhi	—	75	433	3	141	1,350
29	Goa, Daman & Diu	4	1	—	—	30	125
30	Lakshadweep	—	—	—	—	—	—
31	Pondicherry	50	—	—	—	940	1,076
TOTAL (U Ts)		59	76	446	4	1,168	2,778
GRAND TOTAL		9,431	3,500	1,281	61	37,576	92,458
CITIES							
1	Ahmedabad	—	—	2	—	1,190	3,890
2	Bangalore	150	—	—	—	6	180
3	Bombay	72	—	3	—	2,352	2,577
4	Calcutta	—	—	—	1	—	1
5	Delhi	—	75	400	1	138	1,209
6	Hyderabad	1,946	—	—	—	3,013	5,051
7	Jaipur	—	—	93	—	11	171
8	Kanpur	—	—	5	—	20	29
9	Lucknow	—	—	3	—	—	3
10	Madras	—	—	—	—	10,869	12,400
11	Nagpur	23	—	22	—	866	2,351
12	Pune	19	—	4	—	1,564	1,987
TOTAL (CITIES)		2,210	75	532	2	20,029	30,038

SCUPCE: Crime In India (1986), National Crime
Records Bureau Ministry of Home Affairs.
Government of India, New Delhi-1989.

Table-15

Juveniles Apprehended (By Sex) For Committing Crime Under IPC During 1986

UTs/Cities	Boys	Girls	Total
1	2	3	4
Andhra Pradesh	1,279	157	1,436
Assam Pradesh	242	3	245
Bihar	2,808	45	2,853
Chhattisgarh	3,788	244	4,032
Goa	11,892	675	12,567
Gujarat	2,474	15	2,489
Haryana Pradesh	933	123	1,056
Jammu & Kashmir	1,454	80	1,534
Karnataka	1,727	90	1,817
Kerala	432	21	453
Madhya Pradesh	13,211	347	13,558
Maharashtra	18,906	1,462	20,368
Mizoram	368	13	381
Nagaland	55	—	55
Northeast	286	38	324
Odisha	—	—	—
Punjab	492	4	496
Rajasthan	221	—	221
Tamil Nadu	2,909	230	3,139
Uttar Pradesh	65	1	66
West Bengal	3,030	189	3,219
Chandigarh	261	21	282
Delhi	217	7	224
Port Blair	1,661	40	1,701
TOTAL (STATES)	68,711	3,805	72,516
UTERRITORIES			
Andaman & Nicobar Islands	186	1	187
Chandigarh	246	2	248
Delhi & N.Haveli	67	—	67
Dadra & Nagar Haveli	3,225	123	3,348
Goa, Daman & Diu	625	72	697
Lakshadweep	6	—	6
Port Blair	536	86	622
TOTAL (UTs)	4,891	284	5,175
GRAND TOTAL	73,602	4,089	77,691
CITIES			
Ahmedabad	2,452	195	2,647
Bengaluru	376	4	380
Bombay	463	45	508
Calcutta	12	1	13
Delhi	3,069	116	3,185
Hyderabad	329	3	332
Jampur	715	28	743
Kanpur	—	—	—
Lucknow	31	—	31
Madras	357	16	373
Nagpur	754	15	769
Pune	2,401	135	2,536
TOTAL (CITIES)	10,979	558	11,537

SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs, Government of India, New Delhi-1989.

Table-16

64

Inventories Apprehended By Sex & Location

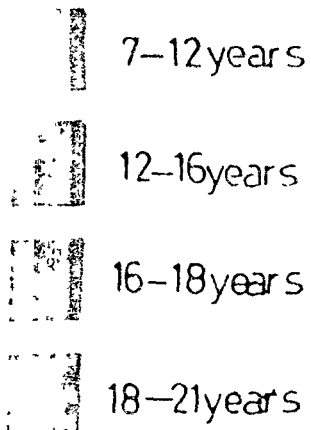
And Number of Cases

Sl. No.	States & Cities	Boys	Girls	Total
1	2	3	4	5
STATES				
1	Andhra Pradesh	1,844	1	5,036
2	Arunachal Pradesh	—	—	—
3	Assam	—	1	251
4	Bihar	15	—	132
5	Chhattisgarh	—	—	19,165
6	Haryana	1,157	—	1,254
7	Himachal Pradesh	346	122	358
8	Jammu & Kashmir	88	3	91
9	Karnataka	542	14	673
10	Kerala	99	—	99
11	Madhya Pradesh	7,787	39	7,826
12	Maharashtra	22,396	1,507	23,903
13	Manipur	371	61	432
14	Meghalaya	13	—	13
15	Mizoram	321	11	332
16	Nagaland	—	—	—
17	Orissa	59	—	59
18	Punjab	392	19	411
19	Rajasthan	350	—	350
20	Sikkim	48	—	48
21	Tamil Nadu	26,508	1,810	28,318
22	Tripura	13	—	13
23	Uttar Pradesh	317	—	317
24	West Bengal	555	42	597
TOTAL (STATES)		83,652	6,028	89,680
UNION TERRITORIES				
25	AA & N Islands	114	6	120
26	Chandigarh	109	—	109
27	D & N Haveli	—	—	—
28	Delhi	1,325	25	1,350
29	Goa, Daman & Diu	106	19	125
30	Lakshadweep	—	—	—
31	Pondicherry	1,069	5	1,074
TOTAL (UTs)		2,723	55	2,778
GRAND TOTAL		86,375	6,083	92,458
CITIES				
1	Ahmedabad	3,500	398	3,898
2	Bangalore	156	24	180
3	Bombay	2,010	567	2,577
4	Calcutta	1	—	1
5	Delhi	1,187	22	1,209
6	Hyderabad	4,911	140	5,051
7	Jaipur	168	3	171
8	Kanpur	28	—	28
9	Lucknow	5	—	5
10	Madras	11,601	799	12,400
11	Nagpur	2,540	16	2,556
12	Pune	1,619	143	1,762
TOTAL (CITIES)		27,726	2,312	30,038

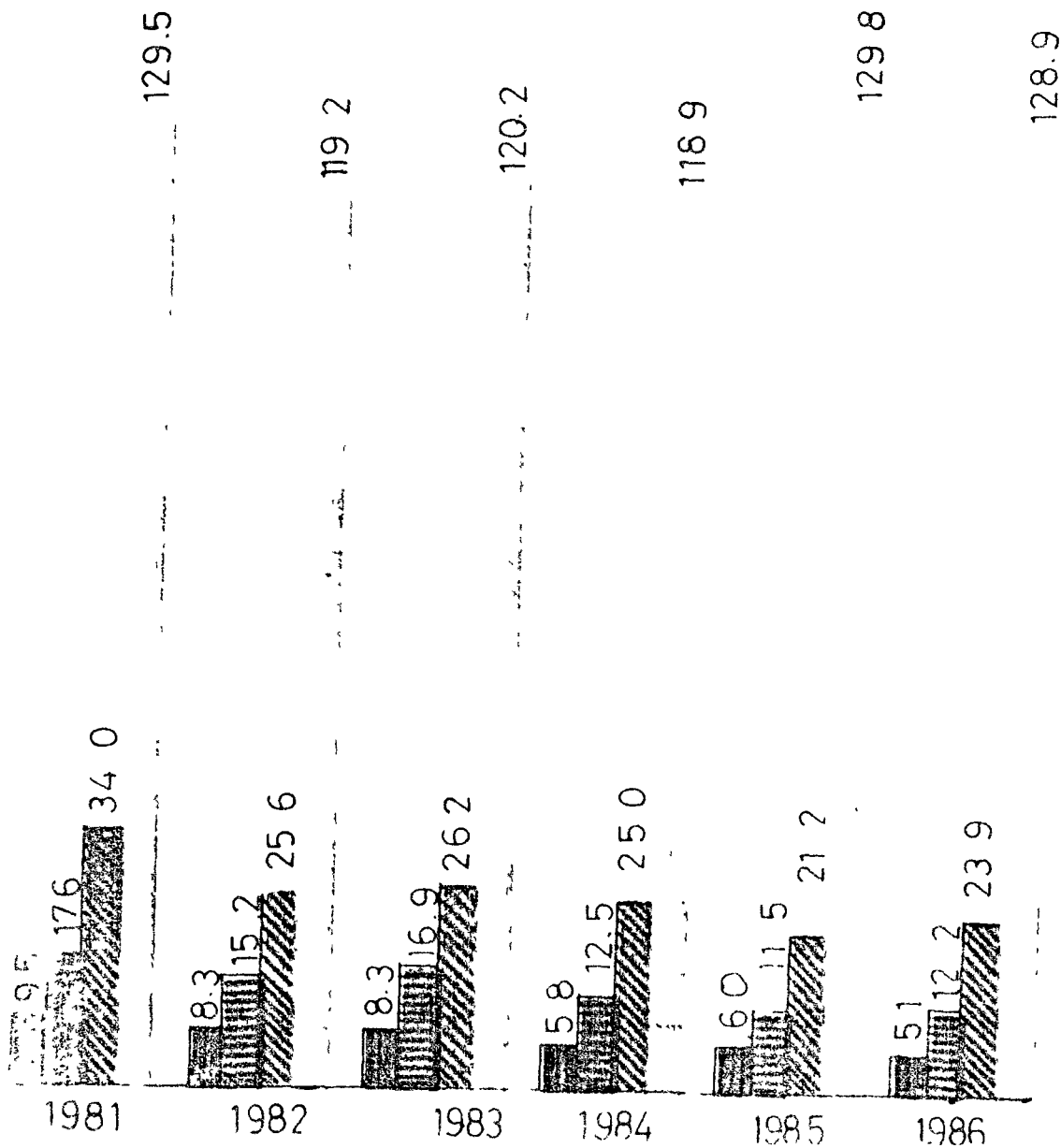
SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

JUVENILES APPREHENDED (BY AGE GROUP)

1981 — 1986



IN THOUSANDS



SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

Table-18

Juveniles Apprehended (By Age Group) For Committing Crimes Under IPC During 1986

66

Sl. No.	States/U. Ts/Cities	7 to 12 years	12 to 16 years	16 to 18 years	18 to 21 years	Total
1	2	3	4	5	6	7
STATES :						
1.	Andhra Pradesh	53	263	348	772	1,436
2.	Arunachal Pradesh	1	53	63	128	245
3.	Assam	38	213	789	1,713	2,853
4.	Bihar	15	331	992	2,794	4,032
5.	Gujarat	194	928	1,690	9,755	12,567
6.	Haryana	9	146	405	1,929	2,489
7.	Himachal Pradesh	6	77	132	841	1,056
8.	Jammu & Kashmir	—	—	1,186	348	1,534
9.	Karnataka	47	180	185	1,405	1,817
10.	Kerala	9	35	29	380	453
11.	Madhya Pradesh	366	1,761	2,532	8,899	13,558
12.	Maharashtra	495	1,512	2,590	15,771	20,368
13.	Manipur	—	1	—	380	381
14.	Meghalaya	—	3	30	22	55
15.	Mizoram	—	17	44	263	324
16.	Nagaland	—	—	—	—	—
17.	Orissa	9	38	153	296	496
18.	Punjab	—	2	20	199	221
19.	Rajasthan	31	247	922	1,939	3,139
20.	Sikkim	—	9	10	47	66
21.	Tamil Nadu	149	757	635	1,678	3,219
22.	Tripura	—	3	50	229	282
23.	Uttar Pradesh	29	62	51	82	224
24.	West Bengal	—	58	182	1,461	1,701
TOTAL (STATES)		1,451	6,696	13,038	51,331	72,516
UNION TERRITORIES :						
25.	A & N Islands	—	3	40	144	187
26.	Chandigarh	—	10	156	82	248
27.	D & N Haveli	1	1	4	61	67
28.	Delhi	5	76	465	2,802	3,348
29.	Goa, Daman & Diu	8	45	132	512	697
30.	Lakshadweep	—	6	—	—	6
31.	Pondicherry	—	—	38	584	622
TOTAL (U. Ts.)		14	141	835	4,185	5,175
GRAND TOTAL		1,465	6,837	13,873	55,516	77,691
CITIES :						
1.	Ahmedabad	16	124	575	1,932	2,647
2.	Bangalore	13	31	34	302	380
3.	Bombay	87	182	36	203	508
4.	Calcutta	—	9	20	4	33
5.	Delhi	4	66	409	2,706	3,185
6.	Hyderabad	14	64	—	254	332
7.	Jaipur	1	20	106	616	743
8.	Kanpur	—	—	—	—	—
9.	Lucknow	—	—	8	23	31
10.	Madras	2	20	38	313	373
11.	Nagpur	—	17	323	429	769
12.	Pune	30	48	85	2,373	2,536
TOTAL (CITIES)		167	581	1,634	9,155	11,537

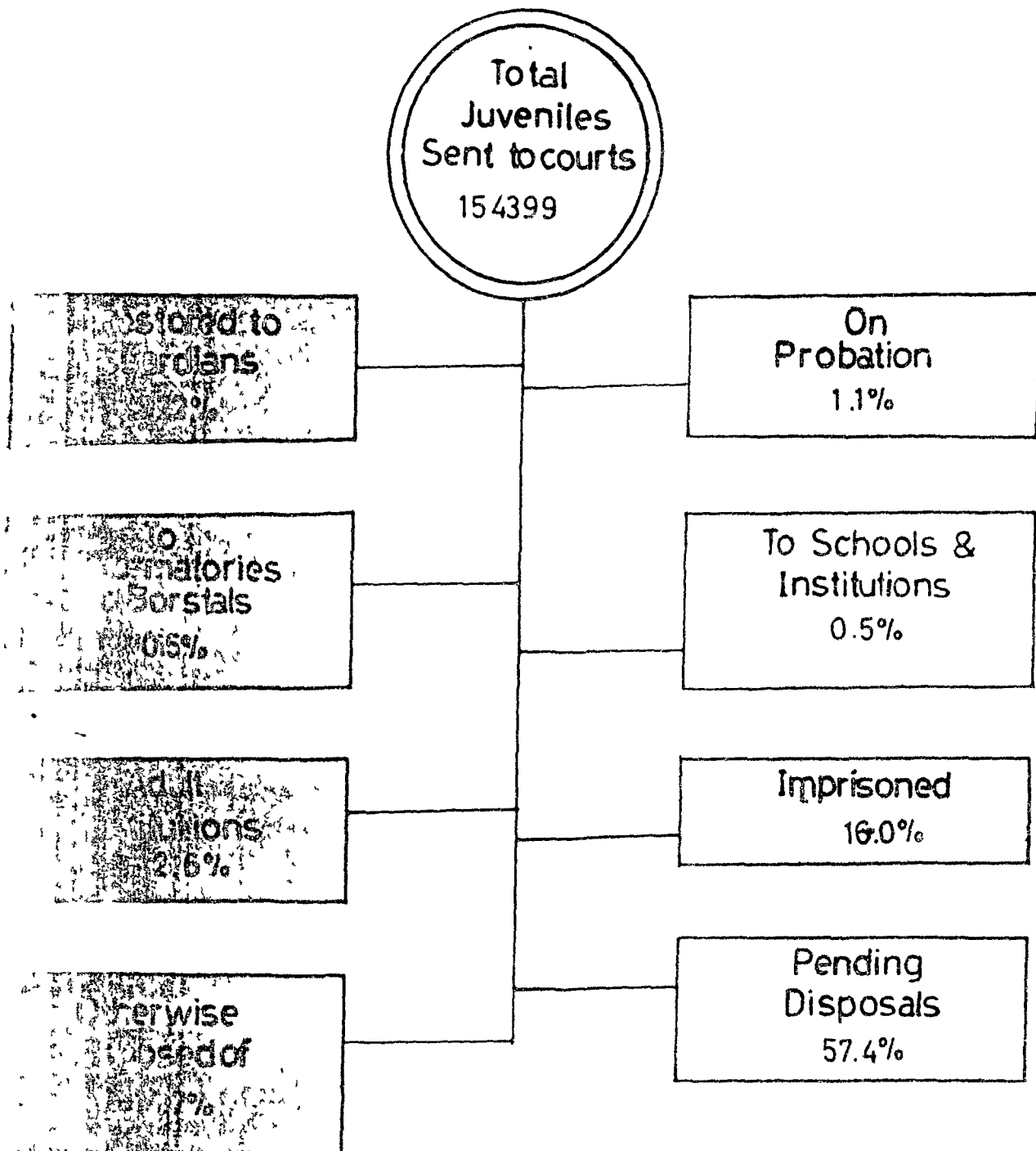
SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

Juveniles Apprehended (By Age Group) For Committing Crimes Under Local & Special Laws During 1986

Sl No	States/UTs/Cities	7 to 12 years	12 to 16 years	16 to 18 years	18 to 21 years	Total
1	2	3	4	5	6	7
STATES						
1	Andhra Pradesh	7	11	607	4 411	5 036
2	Arunachal Pradesh	—	—	—	—	—
3	Assam	—	—	53	200	253
4	Bihar	—	—	45	87	132
5	Gujarat	65	760	2 940	15,400	19 165
6	Haryana	2	55	131	1,066	1,254
7	Himachal Pradesh	—	26	71	261	358
8	Jammu & Kashmir	—	—	3	88	91
9	Karnataka	9	22	32	610	673
10	Kerala	—	—	2	97	99
11	Madhya Pradesh	12	131	681	7,002	7,826
12	Maharashtra	227	936	2,369	20,371	23,903
13	Manipur	—	4	14	414	432
14	Meghalaya	—	—	—	13	13
15	Mizoram	—	—	—	332	332
16	Nagaland	—	—	—	—	—
17	Orissa	—	1	18	40	59
18	Punjab	—	—	69	342	411
19	Rajasthan	—	7	50	293	350
20	Sikkim	—	—	—	48	48
21	Tamil Nadu	3,333	3 245	2 513	19 227	28,318
22	Tripura	—	—	—	13	13
23	Uttar Pradesh	18	87	99	113	317
24	West Bengal	—	33	134	430	597
TOTAL (STATES)		3,673	5,318	9 831	70,858	89,680
UNION TERRITORIES						
25	A & N Islands	—	—	19	101	120
26	Chandigarh	—	1	24	84	109
27	D & N Haveli	—	—	—	—	—
28	Delhi	—	3	144	1,203	1,350
29	Goa, Daman & Diu	—	4	13	108	125
30	Lakshadweep	—	—	—	—	—
31	Pondicherry	—	—	36	1,038	1,074
TOTAL (U Ts)		—	8	236	2,534	2,778
GRAND TOTAL		3,673	5,326	10,067	73,392	92,458
CITIES						
1	Ahmedabad	6	113	986	2,793	3,898
2	Bangalore	—	1	20	159	180
3	Bombay	989	553	530	505	2,577
4	Calcutta	—	—	1	—	1
5	Delhi	—	3	133	1,073	1,209
6	Hyderabad	—	1	555	4 495	5,051
7	Jaipur	—	—	5	166	171
8	Kanpur	—	8	8	12	28
9	Lucknow	—	—	—	5	5
10	Madras	308	425	258	11,409	12,400
11	Nagpur	41	216	439	1,860	2,556
12	Pune	—	—	126	1 836	1,962
TOTAL (CITIES)		1 344	1 320	3 061	24 313	30 038

SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

DISPOSAL OF JUVENILES DURING-1986



SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

Table-21

Disposal Of Juveniles Sent To Courts During 1986

JU-11 Cities	Juveniles sent to courts	Restored to guardians	On Probation	Sent to Reformato- ries/Borstals	Sent Schools & Institutions
	3	4	5	6	7
Pradesh	6,472	1,310	—	—	60
Pradesh	114	5	—	—	—
	2,193	6	4	—	—
	1,187	81	98	127	41
	28,561	—	63	12	—
	3,743	—	—	181	—
Pradesh	1,172	2	—	—	—
Pradesh & Kashmir	1,625	—	—	—	2
	2,490	83	4	2	18
	552	—	—	—	1
Pradesh	20,108	317	2	1	—
	39,540	2,120	30	333	378
	813	3	—	—	—
	68	3	4	—	—
	569	—	14	—	—
	—	—	—	—	—
	555	9	27	—	—
	632	—	234	23	—
	3,489	7	672	21	—
	114	3	4	—	—
	30,487	6,678	250	51	256
	130	15	11	—	—
Pradesh	541	306	183	—	—
Bengal	1,832	2	6	14	—
TOTAL (STATES)	1,46,987	10,950	1,606	765	756
TERITORIES					
Islands	73	—	—	—	—
	165	—	11	—	—
Nilaveli	2	—	1	—	—
	4,698	14	30	10	11
Daman & Diu	822	81	29	—	10
Andaman & Nicobar	6	6	—	—	—
Cherry	1,696	—	—	—	—
(UTs)	7,412	101	71	10	21
AND TOTAL	1,54,399	11,051	1,677	775	777
Andalad	6,545	49	44	—	—
Andalad	560	60	—	—	—
Andalad	2,458	825	—	2	3
Andalad	34	—	6	—	—
Andalad	4,394	11	24	7	9
Andalad	5,383	42	53	10	2
Andalad	914	7	663	21	—
Andalad	28	17	8	—	—
Andalad	36	20	9	—	—
Andalad	12,773	1,240	3	4	69
Andalad	2,294	—	—	—	266
Andalad	4,498	1	—	—	67
TOTAL (UTs)	39,917	2,272	810	44	416

SOURCE: Crime In India (1986), National Crime
Records Bureau Ministry of Home Affairs
Government of India, New Delhi-1989

Table-21 continued

Sl. States/U. Ts./Cities No.	Sent to Adult Institutions	Imprisoned	Acquitted or otherwise disposed off	Pending disposal
1 2	8	9	10	11
STATES :				
1. Andhra Pradesh	350	135	488	4,129
2. Arunachal Pradesh	—	1	10	98
3. Assam	—	127	373	1,683
4. Bihar	60	67	201	512
5. Gujarat	—	4,506	7,624	16,356
6. Haryana	—	742	275	2,545
7. Himachal Pradesh	9	35	107	1,019
8. Jammu & Kashmir	—	—	310	1,313
9. Karnataka	11	605	166	1,601
10. Kerala	5	44	167	335
11. Madhya Pradesh	20	1,497	1,846	16,425
12. Maharashtra	3,336	7,560	2,654	23,129
13. Manipur	—	—	275	535
14. Meghalaya	—	21	—	40
15. Mizoram	—	454	24	77
16. Nagaland	—	—	—	—
17. Orissa	—	163	100	256
18. Punjab	18	142	179	36
19. Rajasthan	—	180	190	2,419
20. Sikkim	—	2	5	100
21. Tamil Nadu	200	5,955	6,598	10,499
22. Tripura	—	3	58	43
23. Uttar Pradesh	30	—	22	—
24. West Bengal	—	338	348	1,124
TOTAL (STATES)	4,039	22,577	22,020	84,274
UNION TERRITORIES :				
25. A & N Islands	—	14	8	1
26. Chandigarh	—	13	112	29
27. D & N Haveli	—	—	—	1
28. Delhi	—	598	402	3,633
29. Goa, Daman & Diu	—	44	92	566
30. Lakshadweep	—	—	—	—
31. Pondicherry	—	1,379	131	186
TOTAL (U. Ts.)	—	2,048	745	4,416
GRAND TOTAL	4,039	24,625	22,765	88,690
CITIES :				
1. Ahmedabad	—	1,563	344	4,545
2. Bangalore	4	99	180	217
3. Bombay	3	424	311	890
4. Calcutta	—	10	12	6
5. Delhi	—	547	323	3,473
6. Hyderabad	—	4,829	306	141
7. Jaipur	—	97	107	19
8. Kanpur	1	—	2	—
9. Lucknow	3	—	4	—
10. Madras	81	4,734	310	6,332
11. Nagpur	231	238	184	1,375
12. Pune	3,062	158	370	840
TOTAL (CITIES)	3,385	12,699	2,453	17,838

SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

Table-22

Particulars Of Juveniles Arrested Under The Juvenile Justice And Special Laws During 1986

Sl. State/UTs/Cities		By family background			Total
No		Living with parents	Living with guardians	Homeless	
1	2	3	4	5	6
STATES :					
1	Andhra Pradesh	1,184	2,948	2,040	6,172
2	Arunachal Pradesh	199	42	4	245
3	Assam	1,700	1,003	402	3,106
4	Bihar	2,475	1,029	690	4,194
5	Gujarat	21,415	7,036	3,281	31,732
6	Haryana	3,175	479	89	3,743
7	Himachal Pradesh	991	398	25	1,414
8	Jammu & Kashmir	1,255	319	51	1,625
9	Karnataka	1,882	420	188	2,490
10	Kerala	427	109	16	552
11	Madhya Pradesh	18,924	1,845	615	21,384
12	Maharashtra	33,016	8,693	2,560	44,271
13	Manipur	724	81	8	813
14	Meghalaya	39	22	7	68
15	Mizoram	395	257	4	656
16	Nagaland	—	—	—	—
17	Odissa	309	183	63	555
18	Punjab	547	45	40	632
19	Rajasthan	2,811	409	269	3,489
20	Sikkim	78	36	—	114
21	Tamil Nadu	20,349	8,017	3,171	31,537
22	Tripura	225	47	23	295
23	Uttar Pradesh	321	137	83	541
24	West Bengal	1,548	607	143	2,298
Total (STATES)		1,14,292	34,162	13,742	1,62,196
UNION TERRITORIES :					
25	A & N Islands	212	95	—	307
26	Chandigarh	190	80	87	357
27	D & N Haveli	67	—	—	67
28	Delhi	—	break up not available	—	4,050
29	Goa, Daman & Diu	660	116	46	822
30	Lakshadweep	6	—	—	6
31	Pondicherry	1,334	337	25	1,696
TOTAL (U.Ts)		2,469	628	158	7,953
GRAND TOTAL		1,16,761	34,790	13,900	1,70,149
CITIES :					
1	Ahmedabad	3,725	2,599	221	6,545
2	Bangalore	446	60	54	560
3	Bombay	1,603	1,115	367	3,085
4	Calcutta	9	7	18	34
5	Delhi	—	break-up not available	—	4,321
6	Hydrabad	3,340	1,346	697	5,383
7	Jaipur	804	83	27	914
8	Kanpur	16	8	4	28
9	Lucknow	23	10	3	36
10	Madras	7,893	4,031	849	12,773
11	Nagpur	2,346	692	287	3,325
12	Pune	2,747	1,235	516	4,498
TOTAL (CITIES)		22,952	11,186	3,043	41,575

SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

Table-22 continued

States/U. Ts./Cities	By economic-set up				Total
	Lower Income (below Rs. 150 p.m.)	Lower middle Income (above Rs. 150 but below Rs. 500 p.m.)	Upper middle Income (above Rs. 500 but below Rs. 1000 p.m.)	Upper Income (above Rs. 1000 p.m.)	
	7	8	9	10	11
STATES :					
1. Andhra Pradesh	1,608	3,295	939	630	6,472
2. Arunachal Pradesh	38	105	102	—	245
3. Assam	1,472	762	576	296	3,106
4. Bihar	2,690	1,014	289	171	4,164
5. Gujarat	14,587	13,745	3,213	187	31,732
6. Haryana	2,554	907	259	23	3,743
7. Himachal Pradesh	444	660	150	160	1,414
8. Jammu & Kashmir	342	896	228	159	1,625
9. Karnataka	757	1,045	321	367	2,490
10. Kerala	124	249	167	12	552
11. Madhya Pradesh	15,717	4,116	1,249	302	21,384
12. Maharashtra	19,343	15,532	9,032	364	44,271
13. Manipur	64	100	278	371	813
14. Meghalaya	11	25	24	8	68
15. Mizoram	185	351	93	27	656
16. Nagaland	—	—	—	—	—
17. Orissa	233	160	158	4	555
18. Punjab	197	222	137	76	632
19. Rajasthan	1,203	1,212	361	713	3,489
20. Sikkim	63	29	18	4	114
21. Tamil Nadu	18,884	11,226	708	719	31,537
22. Tripura	142	103	50	—	295
23. Uttar Pradesh	413	101	27	—	541
24. West Bengal	501	1,216	408	173	2,298
TOTAL (STATES)	81,572	57,071	18,787	4,766	1,62,196
UNION TERRITORIES :					
25. A & N Islands	29	205	73	—	307
26. Chandigarh	150	165	28	14	357
27. D & N Haveli	32	22	6	7	67
28. Delhi	—	break up not available	—	—	4,698
29. Goa, Daman & Diu	328	344	85	65	822
30. Lakshadweep	—	6	—	—	6
31. Pondicherry	1,565	131	—	—	1,696
TOTAL (U. Ts.)	2,104	873	192	86	7,953
GRAND TOTAL	83,676	57,944	18,979	4,852	1,70,149
CITIES :					
1. Ahmedabad	3,058	3,353	134	—	6,545
2. Bangalore	86	194	82	198	560
3. Bombay	474	2,150	305	156	3,085
4. Calcutta	34	—	—	—	34
5. Delhi	—	break up not available	—	—	4,394
6. Hyderabad	1,764	2,957	373	289	5,383
7. Jaipur	103	445	339	27	914
8. Kanpur	20	8	—	—	28
9. Lucknow	25	8	3	—	36
10. Madras	5,981	6,810	211	71	12,773
11. Nagpur	354	1,542	1,273	156	3,325
12. Pune	812	1,531	1,076	1,079	4,498
TOTAL (CITIES)	12,701	18,698	3,796	1,976	41,575

SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs, Government of India, New Delhi-1989.

Sl. States/U. Ts./Cities		Recidivism		
No		New Delinquents	Old Delinquents	Total
1	2	12	13	14
STATES :				
1.	Andhra Pradesh	5,552	920	6,472
2.	Arunachal Pradesh	214	31	245
3.	Assam	2,134	972	3,106
4.	Bihar	4,050	114	4,164
5.	Gujarat	27,365	4,367	31,732
6.	Haryana	3,304	439	3,743
7.	Himachal Pradesh	1,100	314	1,414
8.	Jammu & Kashmir	1,618	7	1,625
9.	Karnataka	2,245	245	2,490
10.	Kerala	543	9	552
11.	Madhya Pradesh	18,933	2,451	21,384
12.	Maharashtra	40,037	4,234	44,271
13.	Manipur	748	65	813
14.	Meghalaya	61	7	68
15.	Mizoram	477	179	656
16.	Nagaland	—	—	—
17.	Orissa	516	39	555
18.	Punjab	584	48	632
19.	Rajasthan	3,190	299	3,489
20.	Sikkim	93	21	114
21.	Tamil Nadu	28,581	2,956	31,537
22.	Tripura	222	73	295
23.	Uttar Pradesh	454	87	541
24.	West Bengal	1,873	425	2,298
TOTAL (STATES)		1,43,894	18,302	1,62,196
UNION TERRITORIES :				
25.	A & N Islands	285	22	307
26.	Chandigarh	338	19	357
27.	D & N Haveli	65	2	67
28.	Delhi	break up not available	available	4,698
29.	Goa, Daman & Diu	752	70	822
30.	Lakshadweep	6	—	6
31.	Pondicherry	1,593	103	1,696
(TOTAL U.Ts.)		3,039	216	7,953
GRANDTOTAL		1,46,933	18,518	1,70,149
CITIES :				
1.	Ahmedabad	5,488	1,057	6,545
2.	Bangalore	551	9	560
3.	Bombay	2,019	1,066	3,085
4.	Calcutta	34	—	34
5.	Delhi	break up not available	available	4,394
6.	Hyderabad	4,457	926	5,383
7.	Jaipur	903	11	914
8.	Kanpur	28	—	28
9.	Lucknow	34	2	36
10.	Madras	10,894	1,879	12,773
11.	Nagpur	2,858	467	3,325
12.	Pune	3,761	737	4,498
TOTAL (CITIES)		31,027	6,154	41,575

SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

Table-22 continued

Sl. No.	States/U. Ts./Cities	By Religion					Total
		Hindu	Muslim	Sikh	Christian	Others	
1	2	15	16	17	18	19	20
STATES :							
1.	Andhra Pradesh	2,670	700	20	843	2,239	6,472
2.	Arunachal Pradesh	48	—	—	61	136	245
3.	Assam	1,293	1,254	5	86	468	3,106
4.	Bihar	3,015	932	52	58	107	4,164
5.	Gujarat	20,655	9,421	134	212	1,310	31,732
6.	Haryana	2,833	77	538	—	295	3,743
7.	Himachal Pradesh	1,293	47	45	9	20	1,414
8.	Jammu & Kashmir	1,085	329	65	29	117	1,625
9.	Karnataka	1,755	492	23	107	113	2,490
10.	Kerala	367	123	—	—	62	552
11.	Madhya Pradesh	18,833	1,836	309	173	233	21,384
12.	Malharashtra	27,937	10,304	799	1,432	3,799	44,271
13.	Manipur	358	197	—	151	107	813
14.	Meghalaya	14	16	1	36	1	68
15.	Mizoram	26	18	—	604	8	656
16.	Nagaland	—	—	—	—	—	—
17.	Orissa	445	57	8	35	10	555
18.	Punjab	214	3	—	11	404	632
19.	Rajasthan	2,643	737	45	14	50	3,489
20.	Sikkim	61	8	—	—	45	114
21.	Tamil Nadu	22,908	3,635	3	3,785	1,206	31,537
22.	Telangana	110	143	—	—	42	295
23.	Uttar Pradesh	331	147	6	7	50	541
24.	West Bengal	961	1,022	35	153	127	2,298
TOTAL (STATES)		1,09,855	31,498	2,088	7,806	10,949	1,62,196
UNION TERRITORIES :							
1.	A. & N. Islands	194	14	3	96	—	307
2.	Chandigarh	95	3	84	2	173	357
3.	D. & N. Haveli	67	—	—	—	—	67
4.	Dadra	breakup not available					4,698
5.	Goa, Daman & Diu	376	61	—	381	4	822
6.	Lakshadweep	—	6	—	—	—	6
7.	Pondicherry	1,557	11	—	15	113	1,696
TOTAL (U. Ts.)		2,289	95	87	494	290	7,953
*GRAND TOTAL		1,12,144	31,593	2,175	8,300	11,239	1,70,149
CITIES :							
1.	Ammedabad	4,566	1,851	34	84	10	6,545
2.	Bangalore	297	140	23	62	38	560
3.	Bombay	683	845	280	451	826	3,085
4.	Calcutta	23	11	—	—	—	34
5.	Delhi	breakup not available					4,394
6.	Hyderabad	2,946	2,301	49	87	—	5,383
7.	Imphal	513	374	16	11	—	914
8.	Kanpur	25	3	—	—	—	28
9.	Lucknow	25	5	—	—	6	36
10.	Madras	9,451	1,059	3	1,315	945	12,773
11.	Nagpur	2,434	752	37	28	74	3,325
12.	Pune	2,693	1,057	88	246	414	4,498
TOTAL (CITIES)		23,656	8,398	530	2,284	2,313	41,575

SOURCE: Crime In India (1986), National Crime Records Bureau Ministry of Home Affairs Government of India, New Delhi-1989.

Table-22 continued

Sl No	States/U Ts /Cities	By Community			Total
		Scheduled Castes	Scheduled Tribes	Others	
1	2	21	22	23	24
STATES					
1	Andhra Pradesh	1 785	1 656	3 031	6,472
2	Arunachal Pradesh	28	172	45	245
3	Assam	728	524	1 854	3,106
4	Bihar	1 277	940	1 947	4,164
5	Gujarat	7 252	6 154	18 326	31,732
6	Haryana	560	38	3 145	3,743
7	Himachal Pradesh	446	170	798	1,414
8	Jammu & Kashmir	765	—	860	1,625
9	Karnataka	219	112	2 159	2,490
10	Kerala	11	—	541	552
11	Madhya Pradesh	5 642	7,364	5 378	21,384
12	Maharashtra	9 953	5,296	29 022	44,271
13	Manipur	144	293	376	813
14	Meghalaya	8	38	22	68
15	Mizoram	44	612	—	656
16	Nagaland	—	—	—	—
17	Orissa	303	80	172	555
18	Punjab	59	44	529	632
19	Rajasthan	395	799	2 215	3,409
20	Sikkim	14	19	81	114
21	Tamil Nadu	12 931	3 633	14 973	31,537
22	Tripura	34	31	230	295
23	Uttar Pradesh	155	112	274	541
24	West Bengal	623	230	1 445	2,298
TOTAL (STATES)		43 376	28 317	90 503	1 62,196
UNION TERRITORIES					
25	A & N Islands	—	—	307	307
26	Chandigarh	15	11	331	357
27	D & N Haveli	—	44	23	67
28	Delhi	breakup not available			4,684
29	Goa, Daman & Diu	8	—	814	832
30	Lakshadweep	6	—	—	6
31	Pondicherry	125	—	1 571	1,696
TOTAL (U Ts)		154	55	3 046	7,553
GRAND TOTAL		43 530	28,372	93 549	1,73,149
CITIES					
1	Almedabad	1 981	743	3 821	6,545
2	Bangalore	35	24	501	560
3	Bombay	375	415	2 295	3,085
4	Calcutta	—	—	34	34
5	Delhi	breakup not available			2,484
6	Hyderabad	467	229	4 687	5,383
7	Jaypur	129	203	512	844
8	Kanpur	1	—	27	28
9	Lucknow	7	2	27	36
10	Madras	5 397	3,209	567	12,713
11	Patna	446	182	7 697	8,325
12	Pune	1 048	492	2 958	4,498
TOTAL (CITIES)		13 486	5 499	18 186	41,575

SOURCE: Crime In India (1986), National Crime
Records Bureau Ministry of Home Affairs
Government of India, New Delhi-110 054.

States/Cities	By Education				Total
	Illiterate	Below Primary	Above Primary but below Matric	Matric/Higher Secondary & above	
	25	26	27	28	29
Andhra Pradesh	2 357	1 963	1 206	944	6 472
Assam	15	43	124	63	245
Bihar	1,149	644	862	451	3 106
Chhattisgarh	2 171	1 068	502	423	4 164
Goa	12 068	11,879	6,111	1 674	31,732
Gujarat	752	1,142	1,166	683	3,743
Haryana	307	208	581	318	1 414
Jammu & Kashmir	769	450	263	143	1 625
Karnataka	695	792	601	202	2 490
Kerala	42	120	233	157	552
Madhya Pradesh	14 000	3 888	2,268	1 228	21,384
Manipur	15 474	15 001	13,259	537	44,271
Mizoram	76	177	202	358	813
Nagaland	15	9	18	26	68
Narayanpet	73	133	200	250	656
Norfolk	—	—	—	—	—
Odisha	235	183	84	53	555
Punjab	181	133	162	156	632
Rajasthan	826	1,264	1,086	313	3 489
Sikkim	23	14	77	—	114
Tamil Nadu	14 035	14 287	2,735	480	31 537
Telangana	123	150	12	10	295
Uttar Pradesh	343	130	46	72	591
West Bengal	874	492	653	279	2 298
Grand Total	66 803	54 170	32 453	8 770	1 62 196
CATEGORIES					
State	14	174	84	35	307
City	183	83	80	11	357
Level	16	48	3	—	67
	breakup not		available		4 698
Urban & Dn	133	328	259	102	822
Unpop	—	—	6	—	6
Very	1,272	403	21	—	1,696
()	1,618	1,036	453	148	7,953
()	68 421	55,206	32,906	8,918	1,70,149
CATEGORIES					
State	2,630	1,810	1,771	334	6 545
City	155	177	167	61	560
Level	840	1,218	645	382	3,085
Very	21	13	—	—	34
	breakup not		available		4,394
Urban & Dn	537	415	1 954	2,467	5 383
Unpop	57	103	617	127	914
Very	17	7	3	1	28
	10	12	12	2	36
Urban & Dn	6 597	5 989	112	75	12 773
Unpop	174	136	2 486	229	3 325
Very	1 256	1 231	872	1 130	4,498
()	12 274	11 411	8 679	1 817	31 575

SOURCE: Crime In India (1986), National Crime
Records Bureau Ministry of Home Affairs
India, New Delhi-110039.

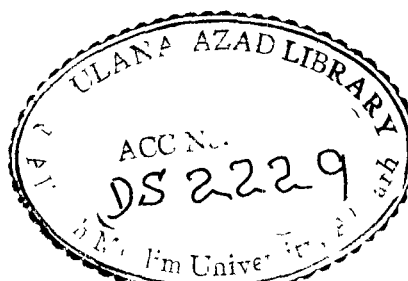
CHAPTER- II

THE JUVENILE JUSTICE ACT, 1986 ANALYSED

The Juvenile Justice Act, 1986¹ has been enacted by Parliament in response to a long-standing demand for rationalizing the system governing the handling of socially deviant children in keeping with the spirit of social justice as enshrined in the constitution of India. The Act provides for a uniform legal framework to deal with the problem of juvenile social maladjustment for the country as a whole.² In order to ensure that no juvenile under any circumstance is lodged in jail or police lock-up and is subjected to the deleterious influence of adult criminals, the differential approach towards juvenile deviants, as contemplated in the substantial law, is sought to be achieved through a specialized welfare and developmental approach. The Act envisages not only a separate machinery and infra-structure required for the purpose but also a set of norms and standards of services at various stages of investigation and prosecution, adjudication, disposition, care, treatment and rehabilitation. A major thrust has been given towards the involvement of voluntary agencies engaged in the welfare of neglected, marginalised or socially maladjusted children. The protection aspect has been reinforced by enhancing the punishments for offences against juveniles. In fact, the

1. Act No.53 of 1986.

2. Section 1 of the Act.



enactment has placed India in the forefront of the international community in this respect.

Besides, the Children Act, 1960, passed by Parliament for Union Territories, all the states, except Nagaland, have enacted their laws. The Juvenile Justice Act, 1986, contains several features that improve upon the existing approach under the children Acts. The definition of a 'neglected juvenile'³ has been construed more precisely so as to ensure that only such juveniles as are really in need of legal support are brought within the purview of the law. The Act defines "neglected juvenile"⁴ as a juvenile who -

- (i) is found begging; or
- (ii) is found without having any home or settled place of abode and without any ostensible means of subsistence and is destitute; or
- (iii) has a parent or guardian who is unfit or incapacitated to exercise control over the juvenile; or
- (iv) lives in a brothel or with a prostitute or frequently goes to any place used for the purpose of prostitution, or is found to associate with any prostitute or any other person who leads an immoral, drunken or depraved life; or

3. Section 2(1).

4. Section 2(1), Juvenile Justice Act, 1986.

(v) who is being or is likely to be abused or exploited for immoral or illegal purposes or unconscionable gain.

This Act makes it mandatory that for juvenile, a boy must not attain the age of sixteen years or a girl must not attained the age of eighteen years.⁵

The words "brothel", "prostitute", "prostitution", and "public place" shall have the meanings respectively assigned to them in the Suppression of Immoral Traffic in Women and Girls (Prevention) Act, 1956 (104 of 1956).⁶

Brothel includes any house, room, conveyance, or place or any portion of any house, room, conveyance, or place, which is used for purposes of sexual exploitation or abuse for the gain of another person or for the mutual gain of two or more prostitutes.⁷

An examination of the definition of brothel would undoubtedly require the satisfaction of the ingredient of the place being used for purposes of 'sexual exploitation or abuse'. The use of the phrase "for the purpose of" indicates

5. Section 2(i), *ibid.*

6. Section 2(c), *ibid.*

7. Section 2(a) of *Suppression of Immoral Traffic in Women and Girls (Prevention), Act, 1956.*

that a solitary instance of sexual exploitation or abuse would not satisfy the ingredients of Section 2(a). It may be true that a place used once for the purpose of prostitution may not be a brothel, but it is a question of fact as to what conclusion should be drawn about the use of a place about which information had been received that it was being used as a brothel, to which a person goes and freely asks for girls, where the person is shown girls to select from and where he does engage a girl for the purpose of prostitution. It is necessary that there should be evidence of repeated visits by persons to the place for the purpose of prostitution. A single instance coupled with surrounding circumstances is sufficient to establish both that the place was being used as a brothel and that the person alleged was so keeping it.⁸

If any room of any hotel is being used for the purpose of prostitution, definitely that will fall under the definition of "brothel".⁹

Where a single woman practices prostitution for her own livelihood, without another prostitute, or some other person being involved in the maintenance of such premises, her premises

8. Krishnamurthy Vs Public Prosecutor, Madras, AIR1967 SC 567.

9. Arun Kumar Vs. State of Bihar, 1984 (32) BLJR 291.

will not amount to a "brothel".¹⁰ In order to hold that a woman carries on prostitution, plural and indiscriminate sexuality has got to be established but that does not require that the evidence of more than one customer of the prostitute should be adduced. It would be enough if the facts established entitled the court to raise an inference that she carries on prostitution.¹¹

If the husband allows his own wife to be a prostitute, the presumption would be that he was doing so for the purpose of living on her earnings of prostitution. In such a case it can be presumed that the husband was knowingly living on the earning of the prostitution of his wife. When such a presumption is drawn that would be sufficient to constitute the house of the husband a "brothel".¹²

Section 2(f) of Suppression of Immoral Traffic in Women and Girls (Prevention) Act, 1956 defines "prostitution" as the sexual exploitation or abuse of persons for commercial purposes. Abuse is here equivalent to ravishment or rape. Any injury to private parts of girls constitute "abuse" within the meaning

10. In re Ratanmala, 1962 (1) Cri LJ 162: AIR 1962 Mad. 31

11. State Vs Bai Radha, 9 GLR 278; Bai Shanla Vs State, 7 GLR 1082.

12. Somi Bachu Lakhman Vs State of Gujarat; AIR 1960 Guj 37: 1960 Cri LJ 1595.

of criminal statute prescribing abuse of girl under age of 12 years in attempt to have carnal knowledge of her; mere hurting of private parts of girls, even though they are not bruised, cut, lacerated or torn, is sufficient.¹³

Further under S. 2 (h)¹⁴, the word "public place" is defined as any place intended for use by or accessible to, the public and includes any public conveyance.

A place in order to be a public place must be open to the public, a place to which the public have lawful access, by right permission, usage or otherwise.¹⁵ It is not necessary that it should be public property. But if it is private, the public must have access to it. Nor is it sufficient that it should be accessible to the public. It must be a place to which the public do in fact resort.¹⁶

Section 3¹⁷ lays down the provision regarding the continuation of inquiry in respect of juvenile who has ceased to be a juvenile. It emphasized that during the course of

13. Arad Vs. State, 57 Ala. App 250, 327 So. 2d 745, 747.

14. Suppression of Immoral Traffic in Women and Girls (Prevention), Act, 1950.

15. Sripal, AIR 1934 All 17; 147 1C 1028.

16. Ramjank, AIR 1937 Pat 276.

17. Juvenile Justice Act, 1986.

enquiry if a juvenile ceases to be juvenile, the enquiry may be continued and orders may be made in respect of such person as if such person had continued to be a juvenile.

Chapter III of the Act lays down the provisions regarding neglected juveniles. It says that if any police officer or any other person or organisation authorised by the State Government in this behalf, by general or special order, is of opinion that a person is apparently a neglected juvenile, such police officer or other person or organisation may take charge of that person for bringing him before a Board.¹⁸

When information is given to an officer-in-charge of a police station about any neglected juvenile found within the limits of such station, he shall enter in a book to be kept for the purpose, the substance of such information and take such action thereon as he deems fit and if such officer does not propose to take charge of the juvenile, he shall forward a copy of the entry to the Board.¹⁹

Every such juvenile shall be brought without any loss of time but within a period of twenty four hours, before the

18. Section 13(1), *ibid.*

19. Section 13(2), *ibid.*

Board. But here the time necessary for the journey from the place where the juvenile had been taken charge of to the Board is excluded.²⁰

Every juvenile taken charge shall, unless he is kept with his parent or guardian, be sent to an observation home (but not to a police station or jail) until he can be brought before a Board.²¹

When a neglected child is produced before the children's court under the provisions of Children Act the court acts in the interest of neglected child and directs it to be sent to the Children's Home in order to provide it with proper habitation, and where its physical and moral health will be looked after. This is a measure purely oriented towards the Welfare of the Child.²²

Under S. 14 of the Act special procedure to be followed when neglected juvenile has parents. It lays down that in

20. S. 13(3), ibid.

21. S. 13(4), ibid.

22. Sunil Kumar vs. State, 1983, Cri LJ 99 (Ker).

the opinion of the police officer or the authorised person or organisation, a person is a neglected juvenile who has a parent or guardian having the actual charge of or control over the juvenile, the police officer or the authorised person or the organization may, instead of taking charge of the juvenile, make a report to the Board for initiating an inquiry regarding that juvenile. On which the Board may call upon the parent or guardian to produce the juvenile before it and to show cause why the juvenile should not be dealt with as a neglected juvenile under the provisions of this Act. Failing which the Board may immediately order his removal to an observation home or a place of safety.

Where a Board is satisfied on inquiry that a juvenile is a neglected juvenile and that it is expedient so to deal with him, the Board may make an order directing the juvenile to be sent to a juvenile home for the period until he ceases to be a juvenile. Provided that the Board may, for reasons to be recorded, extend the period of such stay, but in no case the period of stay shall extend beyond the time when the juvenile attains the age of eighteen years, in the case of a boy, or twenty years, in the case of a girl.

Provided further that the Board may, if it is satisfied that having regard to the circumstances of the case it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit.²³

No juvenile shall be kept with his parent or guardian if, in the opinion of the Board, such parent or guardian is unfit or unable to exercise or does not exercise proper care and control over the juvenile.²⁴

An attempt should be made in every case to ascertain the whereabouts of the parents of the child and to persuade them to take the child to their home. It is only when it could be positively found that the children will not be accepted at their homes that the court should find the child is neglected.²⁵

Further, Section 16 says that if the Board thinks fit, it may, instead of making an order under sub section (2) of Section 15, for sending the juvenile to a juvenile home, make

23. S. 15(2), Juvenile Justice Act, 1986.

24. S. 15(3), *ibid*.

25. Sunil Kumar Vs. State, 1983 Cri LJ 99 (Ker.).

an order placing the juvenile under the care of a parent, guardian or other fit person, on such parent, guardian or fit person executing a bond with or without surety to be responsible for the good behaviour and well being of the juvenile and for the observance of such conditions as the Board may think fit to impose.²⁶ In addition, at the time of making an order or at any time subsequently, the Board may, make an order that the juvenile be placed under supervision for any period not exceeding three years in the first instance.²⁷ But if at any time it appears to the Board on receiving a report from the probation officer or otherwise, that there has been a breach of any of the conditions imposed by it in respect of the juvenile, it may, after making such inquiry as it deems fit, order the juvenile to be sent to a juvenile home.²⁸

So far the cases of the uncontrollable juveniles are concerned, where a parent or guardian of a juvenile complains to the Board that he is not able to exercise proper care and control over the juvenile and the Board is satisfied on inquiry that proceedings under this Act should be initiated

26. S. 16 (1), Juvenile Justice Act, 1986.

27. S. 16 (2), *ibid.*

28. S. 16 (3), *ibid.*

regarding the juvenile, it may send the juvenile to an observation home or a place of safety and make such further inquiry as it may deem fit.²⁹

Chapter IV contains the provisions regarding the delinquent juveniles. S. 18 speaks about the bail and custody of juveniles. It says that when any person who is apparently a juvenile is arrested or detained or appears or is brought before a Juvenile Court, such person shall be released on bail with or without surety but he shall not be so released if his release is likely to bring him into association with any known criminal or expose him to moral danger or that his release would defeat the ends of justice.³⁰ But if such person is not released on bail by the officer-in-charge of the police station, until he can be brought before a Juvenile Court, shall be kept in an observation home or a place of safety.³¹ Further, when such person is even not released on bail by the Juvenile Court it shall, instead of committing him to prison, make an order sending him to an observation home or a place of safety for such period, during the pendency of the inquiry regarding him, as may be specified in the order.³²

29. S. 17, *ibid.*

30. S. 18(1), *ibid.*

31. S. 18(2), *ibid.*

32. S. 18(3), *ibid.*

Where a juvenile delinquent is arrested, he/she has to be produced before a Juvenile Court and if no juvenile Court is established for the area, amongst others, the court of Session will have powers of a juvenile court. Such a juvenile delinquent ordinarily has to be released on bail irrespective of the nature of the offence alleged to have been committed unless it is shown that there appears reasonable grounds for believing that the release is likely to bring him under the influence of any criminal or expose him to moral danger or defeat the ends of justice.³³

Where a juvenile is arrested S. 19 makes it mandatory to the officer-in-charge of the police station to which the juvenile is brought, to inform as soon as may be after the arrest, parent or guardian of the juvenile, if he can be found of such arrest and direct him to be present at the Juvenile Court before which the juvenile will appear. The Probation Officer also be informed of such arrest in order to enable him to obtain information regarding the antecedents and family history of the juvenile and other material circumstances likely to be of assistance to the Juvenile Court for making the inquiry.

33. Gopinath Ghosh Vs. State of W.B., 1984 Supp. SCC 288: 1984 SCC (Cri) 478.

S. 21 lays down the provisions regarding the orders that may be passed regarding delinquent juveniles. Where a Juvenile Court is satisfied on inquiry that a juvenile has committed an offence then the Juvenile Court may, if it so thinks fit³⁴ -

(a) allow the juvenile to go home after advice or admonition;³⁵

(b) direct the juvenile to be released on probation of good conduct and placed under the care of any parent, guardian or other fit person, on such parent, guardian or other fit person executing a bond, with or without surety or that court may require, for the good behaviour and well-being of the juvenile for any period not exceeding three years;³⁶

(c) direct the juvenile to be released on probation of good conduct and placed under the care of any fit institution for the good behaviour and well-being of the juvenile for any period not exceeding three years;³⁷

(d) make an order directing the juvenile to be sent to a special home;³⁸

34. S. 21(1), Juvenile Justice Act, 1986.

35. S. 21(1)(a), *ibid.*

36. S. 21 (1)(b), *ibid.*

37. S. 21(1)(c), *ibid.*

38. S. 21(1)(d), *ibid.*

(i) in the case of a boy over fourteen years of age or of a girl over sixteen years of age, for a period of not less than three years;

(ii) in the case of any other juvenile, for the period until he ceases to be a juvenile;

Provided that the Juvenile Court, may, if it is satisfied that having regard to the nature of the offence and the circumstances of the case it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit:

Provided further that the Juvenile Court may, for reasons to be recorded, extend the period of such stay, but in no case the period of stay shall extend beyond the time when the juvenile attains the age of eighteen years, in the case of a boy, or twenty years, in the case of a girl;

(e) order the juvenile to pay a fine if he is over fourteen years of age and earns money.³⁹

S. 22 speaks about the orders that may not be passed against delinquent juveniles. It says that no delinquent juvenile shall be sentenced to death or imprisonment, or

39. S. 21(1)(e), ibid.

committed to prison in default of payment of fine or in default of furnishing security. Provided that where a juvenile who has attained the age of fourteen years has committed an offence and the Juvenile Court is satisfied that the offence committed is of so serious nature or that his conduct and behaviour have been such that it would not be in his interest or in the interest of other juvenile in a special home to send him to such special home and that none of the other measures provided under this Act is suitable or sufficient, the Juvenile Court, may order the juvenile to be kept in safe custody in such place and manner as it thinks fit and shall report the case for the orders of the State Government.⁴⁰ On receipt of a report from a Juvenile Court, the State Government may make such arrangement in respect of the juvenile as it deems proper and may order such delinquent juvenile to be detained at such place and on which conditions as it thinks fit. But the period of detention so ordered shall not exceed the maximum period of imprisonment to which the juvenile could have been sentenced for the offence committed.⁴¹

Under no circumstances a child of tender age who is normal but has been abandoned should be confined in a prison with abnormal juveniles.⁴²

40. S. 22(1), *ibid.*

41. S. 22(2), *ibid.*

42. Rajesh Khaitan Vs State of W.B., 1983 Cri LJ 877 (Cal).

The inhibition against sending a child to jail does not depend upon any proof that he is a child under the age of 16 years but as soon as it appears that a person arrested is apparently under the age of 16 years this inhibition is attracted. The reason for this inhibition lies in the court solitude which the law entertains for juveniles below the age of 16 years. The law is very much concerned to see that juveniles do not come into contact with hardened criminals and their chances of reformation are not blighted by contact with criminal offenders. The law throws a cloak of protection around juvenile and seeks to isolate them from criminal offenders, because the emphasis placed by the law is not on incarceration but on reformation.⁴³

Section 24 lays down that no joint trial of juvenile and person not a juvenile will together be done. The court taking cognizance of that offence shall direct separate trials of the juvenile and the other person.

Chapter II of the Act describes the competent authorities and institutions for juveniles. Under S. 4(1), the State Government may by notification constitute for any area one or more Juvenile Welfare Boards for exercising the powers and

43. Munna Vs. State of U.P., (1982), ISCC 545: 1982 SCC (Cri) 269.

discharging the duties conferred or imposed on such Board in relation to neglected Juveniles under this Act.

A Board shall consist of a Chairman and such other members as the State Government thinks fit to appoint, of whom not less than one shall be a woman; and every such member shall be vested with the powers of a Magistrate under the Code of Criminal Procedure 1973 (2 of 1974).⁴⁴ The Board shall function as a Bench of Magistrates and shall have the powers conferred by the Cr. P.C., 1973, on a Metropolitan Magistrate, or, as the case may be, a Judicial Magistrate of the first class.⁴⁵

Under Section 5(1) the State Government may constitute for any area specified, one or more Juvenile Courts for exercising the powers and discharging the duties conferred or imposed on such court in relation to delinquent juveniles under this Act. Further, a Juvenile Court shall consist of such number of Metropolitan Magistrates or Judicial Magistrate of the first class, as the case may be, forming a Bench as the State Government thinks fit to appoint, of whom one shall be designated as the Principal Magistrate; and every such Bench

44. S. 4(2), Juvenile Justice Act, 1986.

45. S. 4(3), *ibid.*

shall have the powers conferred by the Cr. P.C. 1973, on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the first class.⁴⁶ Every Juvenile Court shall be assisted by a panel of two honorary social workers possessing such qualifications as may be prescribed, of whom at least one shall be a woman, and such panel shall be appointed by the State Government.⁴⁷ In the event of any difference of opinion among the members of a Board or among the Magistrates of a Juvenile Court, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the Chairman or of the Principal Magistrate, as the case may be, shall prevail.⁴⁸ No person shall be appointed as a member of the Board or as a Magistrate in the Juvenile Court unless he has, in the opinion of the State Government, special knowledge of Child Psychology and Child Welfare.⁴⁹

Where no Board or Juvenile Court has been constituted for any area, the powers conferred on the Board or the Juvenile Court by or under this Act shall be exercised in that area, only by the following:

46. S. 5(2), ibid.

47. S. 5(3), ibid.

48. S. 6(1), ibid.

49. S. 6(3), ibid.

- (a) the District Magistrate; or
- (b) the Sub-Divisional Magistrate; or
- (c) any Metropolitan Magistrate or Judicial Magistrate of the first class, as the case may be.⁵⁰

The powers conferred on the Board or Juvenile Court by or under this Act may also be exercised by the High Court and the Court of Session, when the proceeding comes before them in appeal, revision or otherwise.⁵¹ Under S. 9, the State Government is empowered to establish Juvenile Homes Every Juvenile home to which a neglected juvenile is sent under this Act shall provide the juvenile with accommodation, maintenance and facilities for education, vocational training and rehabilitation, facilities for the development of his character and abilities and give him necessary training for protecting him self against moral danger or exploitation and shall also perform such other functions as may be prescribed to ensure all round growth and development of his personality.⁵²

Under Section 10, the State Government is empowered to establish and maintain special homes. Section 11 empowers the State Government to establish observation homes. Every observation home to which a juvenile is sent shall provide the

50. S. 7(2), ibid.

51. S. 7(3), ibid.

52. S. 9(3), ibid.

juvenile with accomodation, maintenance and facilities for medical examination and treatment, and facilities for useful occupation.⁵³ Under S. 12 aftercare organisation be established or recognised by the State Government for the purpose of taking care of juveniles after they leave juvenile homes or special homes and for the purpose of enabling them to lead an honest, industrious and useful life.⁵⁴

According to S. 27(1), a Board of a Juvenile Court shall hold its sitting at such place, on such day and in such manner, as may be prescribed. An inquiry regarding a juvenile shall be held expeditiously and shall ordinarily be completed within a period of three months from the date of the commencement, unless, for special reasons to be recorded in writing, the competent authority otherwise directs.⁵⁵ Whenever the competent authority so thinks fit, require any parent or guardian having the actual charge of, or control over, the juvenile to be present at any proceeding in respect of the juvenile.⁵⁶ If at any stage during the court of an inquiry, a competent authority is satisfied that the attendance of the juvenile is not essential for the purpose of inquiry, the competent authority may dispense with his

53. S. 11(3), ibid.

54. S. 12(b), ibid.

55. S. 27(3), ibid.

56. S. 29, ibid.

attendance and proceed with the inquiry in the absence of the juvenile.⁵⁷

According to Section 31, when a juvenile brought before a competent authority is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment, the competent authority may send the juvenile to any place recognised to be an approved place for such period as it may think necessary for the required treatment. Section 33 makes it obligatory on competent authority to take into consideration the following circumstances while making the order:

- (a) the age of the juvenile;
- (b) the state of physical and mental health of the juvenile;
- (c) the circumstances in which the juvenile was and is living;
- (d) the reports made by the probation officer;
- (e) the religious persuasion of the juvenile;
- (f) such other circumstances as may, in the opinion of the competent authority, require to be taken into consideration in the interest of the welfare of the juvenile.

57. S. 30, ibid.

The procedure of appeal is laid down in S. 37. Any person aggrieved by an order made by a competent authority may within thirty days from the date of such order, prefer an appeal to the Court of Session. Provided that the Court of Session may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.⁵⁸ No appeal shall lie from any order of acquittal by the Juvenile Court in respect of a juvenile alleged to have committed an offence; or any order made by a Board in respect of a finding that a person is not a neglected juvenile.⁵⁹

S. 48, contains the provision regarding of the transfer of juveniles of unsound mind or suffering from leprosy or addicted to drugs. S. 48(1) empowers the State Government to transfer such juvenile for being kept for treatment for such period not exceeding the period for which he is required to be kept in custody under the orders of the competent authority or for such further period as may be certified by the medical officer to be necessary for the proper treatment of the juvenile. Where it appears to the State Government that the juvenile is cured of leprosy or of unsoundness of mind or drug addiction it may, if the juvenile is still liable to be kept in custody,

58. S.37(1), ibid.

59. S. 37(2), ibid.

order the person having charge of the juvenile to send him to the special home or juvenile home or institution from which he was removed or, if the juvenile is no longer liable to be kept in custody, order him to be discharged.⁶⁰

The competent authority, which makes an order for sending a neglected juvenile or a delinquent juvenile to a juvenile home or a special home or placing the juvenile under the care of a fit person or fit institution, may make an order requiring the parent or other person liable to maintain the juvenile to contribute to his maintenance, if able to do so, in the prescribed manner.⁶¹ But prior to make any order the competent authority shall inquire into the circumstances of the parent or other person liable to maintain the juvenile and shall record evidence in the presence of the parent or such other person.⁶²

Section 52 empowers the State Government to create a Fund under such name as it thinks fit for the welfare and rehabilitation of the juveniles. For the matters relating to the establishment and maintenance of homes, mobilisation

60. S. 48(2), ibid.

61. S. 51(1), ibid.

62. S. 51(2), ibid.

of resources, provision of facilities for education, training and rehabilitation of neglected and delinquent juveniles and coordination among the various official and non-official agencies concerned, under S.53, the State Government may constitute an Advisory Board to advise.

Thus, the Juvenile Justice Act, 1986, represents a blueprint of corrective action in the existing approach under the Children Act so as to bring it in line with the principles of fair, equitable and just treatment of neglected and delinquent juveniles. The enactment of the Juvenile Justice Act, 1986, is bound to have a salutary effect on juveniles in terms of an equal sharing of socio-cultural and economic opportunities for growth and development.

Thus, in India also like other developed countries sporadic attempts are made to separate juvenile offenders from adult criminals. There are some important provisions relating to the custody, protection, treatment and rehabilitation of juvenile delinquents specified by the Act of 1986. Again, the Act provides for medical care of an offender from the beginning. The principle behind the Act is that the Child should not think of himself as a criminal. He should think

that he has done a mistake and with proper care and attention he can be a good citizen of the country in future.

Thus, we may consider the Act as an important stride for the purpose of dealing with the juveniles. The provisions of the Act are to some extent sound in dealing with the juvenile offenders. Practically, there is no important lacunae in the body of the law. In spite of this the Act is not above criticism. For example, the Act should have made provision relating to the proper segregation of the delinquents in order to avoid contamination. Segregation is necessary starting from under-trial period to detention period after conviction. Provisions should have been there in regard to classification and individualization of the delinquents with a view to provide to treatment, care, etc. more scientifically. Again, provision should have been there relating to the arrest of delinquents, i.e. Ordinary Police with uniform should not have the powers to arrest children. Apart from this, provisions relating to the sitting arrangement of ordinary court. Because the juvenile offender should not be aware of the fact that he is under trial for his misconduct. In such a situation the child may not open up his mind from fear of punishment.

Inspite of these inherent defects the Act is sound in some respect. Because it provides for periodical visits in order to resist corruption and malpractices in the maintenance of correctional institutes, reception home and the like. Medicare is also an important provision under this Act. Court orders relating to the conviction of the delinquents are also praise worthy. But it is one, thing to have a set of a fine law, it is quite different to have them work so beautifully.

CHAPTER- III

ASSESSMENT OF JUVENILE ACT OF UTTAR PRADESH

In this chapter I like to have a probe into the existing legal provisions relating to the juvenile delinquents in India with special reference to Uttar Pradesh. The structural model with reference to Uttar Pradesh will be "The Juvenile Justice (U.P) Rules, 1987", which provides the only legal framework for dealing with juvenile delinquents.

Enacting legislation pertaining to Child Welfare gained momentum only in the early part of the twentieth century. In the beginning of the last century, hardly any attention was paid to the rights of children except to the extent made possible by family or community values, resources, and knowledge . No special measures were available to protect them from neglect, exploitation and exposure to hazards. There was no provision to deal separately with those children who offended against the law. But the gains during the last sixty years or so in this country have been noteworthy. Special child Welfare legislation has given recognition to the status and rights of children which was not available before. Laws relating to children extended special protective measures first to the socially handicapped and then, in certain respects, to all children. Such laws helped in establishing institutions

for the care and education of children. They also facilitated supervision and control over voluntary efforts in this field which supplemented state care.

Development in India

Before the advent of the British rule, two well-known laws were in use, viz., the Hindu Law and the Mohammedan Law. There was no special provision relating to juvenile defaulters in these laws. The British rule in India, to a certain extent, separated the law of the land, from the personal laws. The Indian Penal Code (1860) and the Code of Criminal Procedure (1861), are the two outstanding codified laws which apply uniformly all over the country. During the period 1850 to 1919, a few legislative measures took special note of the needs of children. Out of these, the Apprentices Act (1850) and the Reformatory Schools Act (1897) were meant for children, and the Indian Penal Code and the Code of Criminal Procedure incorporated certain special clauses considering the status and needs of children and the protection to be given by the state.

The first special law relating to children in India was the Apprentices Act (1850). The object of the Act is "for better enabling children, and specially orphans and

poor children brought up by public charity, to learn trades, crafts and employment, by which, when they come to full age, they may gain a livelihood".¹

The Indian Penal Code (1860) incorporates certain protective measures and gives special status to children below the age of seven years² and also those above the age of seven but below twelve.³

The Reformatory Schools Act (1897) which replaced the Reformatory Schools Act (1876), was the second legislation dealing specifically with children. Only boys could be dealt with under this Act except when a court deems it fit to order a youthful offender, which includes a girl, to be discharged after due admonition or handed over to the parent, guardian or nearest relative on executing a bond.⁴

The last of the series of legislative measures which made some provisions to deal with children was the Code of Criminal Procedure (1861) which was subsequently replaced

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1. The Apprentices Act, Act No. XIX of 1850, Preamble.
 2. The Indian Penal Code (1860), S.82: "Nothing is an offence which is done by a child under seven years of age."
 3. Ibid., S. 83: "Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion."
 4. Section 31(2), The Reformatory Schools Act, 1897.

by the Code of Criminal Procedure (1973). The Code (1973) allows for the separate trial of an accused under the age of sixteen years for offences not punishable with death or life imprisonment.⁵

These legislative provisions were instrumental in pushing forward a move for a separate law for juvenile offenders in particular and children in general. As part of the movement for a special law for children, some committees and commissions played important roles, and notable among them was the Indian Jails Committee (1919-20). Through its recommendations, the committee made a significant contribution towards the enactment of children acts in several states.

Since India achieved Independence in 1947, great interest has been evinced by governments as well as private organizations in child welfare. The period between 1947 and today can be said to be the era of progressive legislation. One of the most outstanding developments since India gained Independence has been the enactment by Parliament of the Children Act (1960), which is replaced now by the The Juvenile

5. The Code of Criminal Procedure, 1973, S. 27: "Any offence not punishable with death or imprisonment for life, committed by any person who at the date when he appears or is brought before the court is under the age of sixteen years, may be tried by the court of a Chief Judicial Magistrate, or by any court specially empowered under the Juvenile Justice Act, 1986 (53 of 1986), or any other law for the time being in force for the treatment, training and rehabilitation of youthful offenders.

Justice Act, 1986. This Act is intended to serve as a model legislation for the whole country. To a certain extent, this Act fulfils the demand for an All India Legislation.

Uttar Pradesh:

The State of Uttar Pradesh enacted the Children Act in 1951. Since then until it was replaced by the Juvenile Justice (U.P) Rules, 1987, it had undergone several amendments. There were several drawbacks in the former legislation. Ambiguities existed in certain provisions. Consequent upon the enactment of the Juvenile Justice Act, 1986, Government of Uttar Pradesh formulated Juvenile Justice (U.P) Rules, 1987. These Rules are made by the Governor who is empowered to do so by the Juvenile Justice Act, 1986.⁶

This Act emphasised that in all cases under the Act the proceedings shall be conducted in as simple a manner as possible and no unnecessary formality shall be observed. Care must be taken that a juvenile against whom the proceedings have been instituted feels home like atmosphere.⁷ The juvenile brought before the competent authority shall in any

6. Section 62, Juvenile Justice, Act, 1986.

7. Rule 5(1), Juvenile, Justice (U.P) Rules, 1987.

case be not kept under close police guard but sits or stands by himself or in the company of a relative or a friend or a probation officer at some convenient place as near to it as possible.⁸ In every case of a juvenile, his age and physical and mental conditions shall be considered by the competent authority.⁹

Rule 4 requires that a person to be appointed as an honorary social worker on the panel shall be - (a) a respectable educated citizen with the background of special knowledge of child psychology, sociology, social work, education or home science, (b) a teacher, a doctor, a retired public servant or a professional who is involved in work concerning juvenile or; (c) a social worker, who has been directly engaged in child welfare. The competent authority shall hold its sittings on the premises of an observation home on such days and at such times as may be fixed by the authority concerned from time to time.¹⁰ Whenever the competent authority orders a juvenile to be detained in an institution, it shall forward to the superintendent of such institution a

8. Rule 5(2), ibid.

9. Rule 5(4), ibid.

10. Rule 3, ibid.

copy of its judgement or as the case may be, orders together with the order of detention, any particulars of the home and parents or guardian and previous record.¹¹

Rule 6 contains the provisions regarding the placement of juvenile under the care of parent, guardian or fit person. It says that when a competent authority makes an order directing the placement of juvenile under the care of a parent, guardian or the fit person, may direct such parent, guardian or fit person to enter into bond with or without sureties and in such sum of money as the competent authority may think fit to keep the juvenile under proper care and control and to be responsible for his/^{good}behaviour. The competent authority may direct the parent or other person liable to maintain the juvenile to pay to the competent authority in advance in the beginning of each month such sum of money as the competent authority may think fit as contribution towards the maintenance of such juvenile.¹²

This Act deals differently the cases of girls. It emphasises that when a girl who is a neglected or delinquent juvenile has to be transferred from one place to another outside the jurisdiction of a competent authority or from one

11. Rule 5(8), ibid.

12. Rule 7(1), ibid.

institution to another institution, or for treatment to a hospital, mental asylum, de-addiction centre etc. the conditions to be observed are - (a) she is escorted by a female; (b) she is properly dressed; (c) she is made to travel only during the day-time unless she is taken by rail; (d) in case she is required to travel by road on a long journey which cannot be completed during the day-time arrangements are made for her stay during the night in an institution and in the absence of any institution then to any other safe place nearby; (e) in case she is taken to a hospital necessary facilities exist for the treatment of female patients, and (f) before taking her from one place to another it is ascertained that she would be properly received at the other end.¹³ Special provision has been incorporated in Section 10, which deals with the juvenile suffering from dangerous diseases or mental complaints. It says that when a juvenile is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment or is found addicted to a narcotic drug or psychotropic substances, the juvenile shall be kept to such a place required for the same, for such period as may be certified by a medical officer to be necessary for the proper treatment.

13. Rule 9, ibid.

When it appears that the juvenile is cured of the disease or physical or mental complaint, he may be sent back to the institution or fit person from which or from whom he was removed, if the juvenile is still liable to be kept.

The property other than money or valuables belonging to a juvenile received or detained in an institution shall be disposed of in the following manner¹⁴- (a) if it consist of obscene pictures or literature, tobacco, snuff, opium , drug, or liquor, perishable articles of trivial value, it shall be destroyed, (b) if it consist of perishable articles of more than trivial value, it shall be sold by auction as soon as possible and the proceeds kept in safe custody by the superintendent; (c) the clothing, bedding or other articles of such juvenile shall be destroyed if the Superintendent consider it essential on hygienic grounds, or considers to be worthless, or the clothing and bedding and other articles of juveniles found to be suffering from any infectious or contagious disease shall be burnt; and (d) clothing, bedding and other articles not covered by the above provisions shall after being washed and disinfected, if necessary, be made up into a bundles and suitably stored. The Superintendent shall be responsible for their safe custody.

14. Rule 12(1), ibid.

In order to avoid corruption it further lays down that no person or the staff of the institution shall directly or indirectly bid at the auction of or purchase any property auctioned.¹⁵ The money and valuables shall be handed over to the juvenile at the time of his release.¹⁶ In case of the death of an inmate of an institution, the property left by the deceased and the money deposited in his name shall be handed to any person who establishes his claim and executes an indemnity bond.¹⁷

Rule 13 empowers the State Government as far as possible to set up separate observation homes for neglected and delinquent juveniles. Separate homes may be established for juveniles below and above the age of 12 years. In any case boys above 12 years shall be lodged in separate homes. Rule 43 entails the duties of the Superintendent. The general duties, functions and responsibilities of the Superintendent will be as follows:-

(a) providing homely atmosphere of love, affection, care and welfare of juveniles;

15. Rule 12(2), ibid.

16. Rule 12(3), ibid.

17. Rule 12(7), ibid.

- (b) planning, implementing and coordinating all institutional activities, programmes, and operations;
- (c) maintaining minimum standards at the institution;
- (d) classification of juveniles, training and treatment programmes and correctional activities;
- (e) Supervision over juveniles discipline and moral;
- (f) allocation of duties to personnel;
- (g) attending to personnel welfare and staff discipline;
- (h) preparation of budget and control over financial matters;
- (i) Supervision over office administration;
- (j) monthly office inspection;
- (k) daily inspection and round of institution; and
- (l) inspecting and testing food prepared.

An overall study of the juveniles admitted to an institution shall be undertaken on the basis of their social history, behavioural pattern and attitudes towards others. Information regarding their socio-cultural and economic background shall be collected through all possible and available sources. The educational level and vocational aptitude shall

be assessed on the basis of tests and interviews conducted by the teacher, the workshop supervisor and the other technical staff.¹⁸ This Act makes it mandatory for every institution to maintain daily routine for the inmates which should be displayed.¹⁹ Each juvenile shall be provided balanced, nutritious and varied diets.²⁰ They shall also be provided with necessary clothing and bedding.²¹ Special provision has been made for accomodation,²² sanitation and hygiene²³ and facilities for medical care.²⁴ Further this Act felt the need of the physical exercise and recreational facilities in rearing up of the child.²⁵ This provision is made with a view to uplift the inmates socio-culturally. The services of psychologist or psychiatrist shall also be availed. The educational programme shall be developed as an internal part of the educational routine, emphasizing

18. Rule 13(5), *ibid.*

19. Rule 14, *ibid.*

20. Rule 15, *ibid.*

21. Rule 16, *ibid.*

22. Rule 18, *ibid.*

23. Rule 17, *ibid.*

24. Rule 19, *ibid.*

25. Rule 20, *ibid.*

on the academic, health, social, moral and ethical aspects. A diversified programme of vocational training shall be organized in all juvenile and special homes with special reference to employment opportunities available in the community so as to facilitate their rehabilitation.

Rule 21(1) says that a juvenile shall be classified on the basis of his age, physical and mental health, length of commitment, degree of delinquency and his character, besides, factors like sequence of the juveniles delinquent behaviour his social processing, type of delinquency, possibilities of functioning as a continuation risk, requirements of custody, his vocational and educational training needs, his total background, possibilities of his social adjustment, his prospects after release and his rehabilitation needs, shall be taken into consideration. For this purpose State Government is empowered to constitute a classification committee in each juvenile or special home.²⁶ The committee shall periodically meet to consider and review the custodial care, housing, place of work, area of activity, problems of juvenile family welfare, family contacts and adjustment, vocational training and opportunities for employment, education including health,

26. Rule 21(2), ibid.

social, academic, vocational and moral, guidance and counselling, planning post-release rehabilitation programme in collaboration with after care service, etc.²⁷ For the encouragement of juvenile for their steady work and good behaviour provision has been made for rewards and earnings.²⁸ In this manner this Act creates encouragement amongst the inmates and the feeling to be reformed developed.

Rule 26 lays down the provisions of leave of absence. If in the opinion of the Superintendent, granting of leave is in the interest of the juvenile, on the application of the parent or guardian of the juvenile, the Superintendent is empowered to grant leave for a period not exceeding 15 days in a year, while long leave upto six weeks in a year may be sanctioned by the Chief Inspector. The period of such leave shall be deemed to be part of the period of his detention in the institution.

For the purpose of rehabilitation and correction elaborate provisions have been made by this enactment. The State Government is bound to provide a comprehensive scheme of after care with the following objectives -²⁹

27. Rule 21(3), ibid.

28. Rule 22, ibid.

29. Rule 31(1), ibid.

- (a) to extend help, guidance, counselling, support and protection to all released juveniles whenever necessary;
- (b) to help a released juvenile to overcome his mental, social and economic difficulties;
- (c) to impress upon the juvenile the need to adjust his habits, attitudes, approaches and value schemes on a rational appreciation of social responsibilities and obligations and also of requirements of community living;
- (d) to help the juvenile to make smooth adjustments to his post-release environment;
- (e) to encourage the juvenile in making satisfactory readjustment with his family neighbourhood and community;
- (f) to assist the juvenile in functioning as a self-dependent and self-reliant socially useful citizen;
- (g) to assist in the process of the juvenile's physical, mental, vocational, economic, social and attitudinal post-release readjustment and ultimate rehabilitation; and
- (h) to complete in all respects the process of the juvenile's final readjustment, resettlement and rehabilitation.

Therefore, in the light of above provision, it can be said that government of Uttar Pradesh felt the necessity of rehabilitation of youthful offender, after giving them proper training, so that they can lead an honest, industrious and useful life. As we know that the growth of a nation depends upon the growth of youth. Therefore, unless we create the sense of normative approach amongst the maladjusted youth or youth adopting non-normative approach the growth and development of a nation can not be made. Furthermore, this Act defines the general duties, functions and responsibilities of Caretakers.³⁰ The Caretaker is bound, to handle the juveniles with love and affection, to take proper care and welfare of juveniles, to maintain disciplineⁱⁿ/institutions, for the maintenance of sanitation and hygiene, to implement daily routine in an effective manner, to look after the security and safety arrangement of the institution, and to escort juveniles wherever they go out of the institution. A caretaker shall be liable for departmental action in case he willingly or negligently permits an inmate to escape.³¹ In the same manner certain obligations are laid down which must be performed by case workers. The general duties, functions, and responsibilities of case workers are as follows -

30. Rule 46(1), ibid.

31. Rule 46(3), ibid.

- (a) making social study of the juvenile through personal interview and from the family, social agencies and other sources;
- (b) clarifying problems of the juvenile and dealing with his difficulties in institutional life;
- (c) participating in the orientation classification and reclassification programme;
- (d) establishing co-operation and understanding between the juvenile and the administration;
- (e) implementing daily routine in an effective manner;
- (f) looking after the security and safety arrangements of the institution; and
- (g) escorting juveniles wherever they go out of the institution.³²

Individualization is the fundamental principle of institutionalized training and it goes a step further during the period of detention. From the very beginning the attitude, motivation, interest, aptitude, past history, etc are sought to be understood. Moreover, assessment is made on the nature of vocational or educational training on the basis of needs, family background, and ability of the lads.

32. Rule 46(1), ibid.

All these are done in order to reduce frequent transfer from one institution to another. Although this Act empowered the Chief Inspector to transfer the juvenile from one institution to another institution.³³ The proposal for transfer of juvenile shall be made by the Superintendent with proper justification. The transfer may be proposed only if it is in the interest of the juvenile with specific reasons, e.g. (a) the juvenile is to be given further education or special training which is not available in the institution, (b) the juvenile is in need of change of environment or change of climate on health grounds, for taking treatment which is not available in the institution, (c) the proposed transfer would bring the juvenile near his family and would help him in rehabilitation, or (d) any other reason for which the transfer would be in the interest or the welfare of the juvenile.

However, this Act imposes restriction on the transfers based on the ground that juvenile has created problems or is difficult to be managed in the existing institution.³⁴ This provision is meant to check the arbitrariness on the part of the Superintendent.

This Act also contains the provision under which limitations are imposed on probation Officer. The probation

33. Rule 27(1), ibid.

34. Rule 27(2), ibid.

Officer is bound to carry out all directions given to him by a competent authority and the Chief Inspector. He shall perform the following duties³⁵-

- (a) to make enquiries regarding the home and school conditions, conduct, character and health of juveniles under his supervision;
- (b) to attend regularly the court of a competent authority and submit reports;
- (c) to maintain diary, case files and such register as may be prescribed from time to time;
- (a) to visit regularly juveniles placed under his supervision and places of employment or school attended by such juveniles and to submit regularly monthly reports;
- (e) to bring before the competent authority immediately, juveniles who have not been of good behaviour during the period of supervision;
- (f) follow up of juveniles after their release from the institutions and extending help and guidance to them;
- (g) establishing linkages with voluntary workers and organisations to facilitate rehabilitation and social reintegration of juveniles and to ensure the necessary follow up.

35. Rule 44(2), *ibid.*

Rule 44(3) prohibits probation officer from employing a juvenile under his supervision for his own private purposes or taking any private services from him. Every facility shall be given to the Probation Officer who visits the juvenile for the purpose of making inquiries into his case. These facilities shall be given by the occupier or manager of such place of safe custody.³⁶

To implement programmes for the welfare and rehabilitation of juveniles, the State Government shall create a fund i.e. the Juvenile Justice Fund.³⁷ So far the release of juveniles from institution is concerned, each case shall be placed by the Superintendent before the Classification Committee in advance for review and advice with regard to his or her placement after release and submit the case to the Chief Inspector alongwith a detailed report. With regard to cases in which the juveniles are kept for the maximum period, action may be initiated six months before they attain the age of 18 years in case of boys and 20 years in case of girls. Timely information of the release of an inmate and of the probable date of his release shall be given to his

36. Rule 42(6), ibid.

37. Rule 50, ibid.

parent or guardian and the parent or the guardian shall be invited to come to the institution to take charge of the inmate on that date if necessary, the actual expenses of the parent's or guardians journey both ways and of the juvenile's journey from the institution, shall be paid to the parent or guardian by the Superintendent at the time of the release of the juvenile. If the parent or guardian, as the case may be, fails to come to take charge of the juvenile on the appointed date, the juvenile shall be taken to his native place by the escort of the institution. Girls shall be escorted by a female escort. If the inmate has no parent or guardian, he may be sent to an after care organisation or in the event of employment having been found for him, to the person who has undertaken to employ him.³⁸

Efficacy of the Juvenile Justice (U.P) Rules, 1987:

It is the desire of this Act, that the Criminal Justice System be made to the extent possible informal and saturated with the philosophy of treatment and rehabilitation. This could be achieved only if law enforcement, prosecution, defence, trial and correction machinery are guided by the correctional philosophy and are motivated by the objectives of protection of the society and treatment and rehabilitation of offenders.

38. Rule 29, ibid.

We have seen that present reformatory ideology has depicted after passing over a long historical process. Many social workers, philanthropists and jurists created pressure on the government to enact a law in order to deal with the juvenile offenders. The ethics of the separate legislation are to introduce reformatory attitude, through proper care, protection and treatment, instead of punitive attitude. But after analysing the treatment procedures, we find that the expectation does not tally with the facts. In Uttar Pradesh it is noticed that most of the delinquents are arrested by the ordinary police and sent to the detention home for investigation and trial. Both the delinquents and non-delinquents are confined in the same detention home. Even the children belonging to both the sexes are detained in the same premises. So far as juvenile court is concerned, Juvenile Magistrate is supposed to perform a dual role — role of a lawyer and role of a social worker — efficiently and effectively. In his former capacity, he considers whether the accused person is really guilty while in his latter capacity he renders help with reference to the facts at his disposals. Hence, the mode of work in case of a juvenile magistrate seems to be something different from the mode of work in case of a mere lawyer. The juvenile magistrate is supposed to issue orders not only on the basis of legal norms, but he

should also go through the nature of offence, historical background of an offender and the like before disposal of the case. It is a regrettable matter to note that in Uttar Pradesh the role of a social reformer does not always appear in the performances of all magistrates. It is true that some of the magistrates prefer admonition or non-institutional type of treatment while others, more often, prefer to use institutional type of treatment even for a minor offence. It has come to the notice that recidivism is very common among the juvenile who are convicted in the correctional institutes. Apart from this, juvenile magistrates are supposed to issue orders after considering the reports of the social workers for each and every case. For this purpose, the state government makes appointment of a number of Probation Officers. They are expected to collect all information regarding family background, surroundings, etc. after visiting the place and to prepare the historical chart for each and every offender. Naturally, the role of a probation officer in the process of reformation is very significant and we are to see subsequently how far they heed and carry out the role in practice. Besides, a provision of medical examination for each offender during his detention period is there. After considering all these matters carefully the juvenile magistrate has to issue orders. Now two types of

treatment procedures are prevalent in U.P. As far as non-institutional type of treatment is concerned, it is issued for minor offences and at the same time on the basis of the willingness of the parents or the parent — substitutes to take back the child in the family. But in such a case a periodical visit is to be paid by the probation officer upon whom the power of supervision is conferred by the court. But the heinous offenders and the offenders who are practically stray children generally receive institutional type of treatment.

Last but not the least, the Act provides for an after-care home. All the children are not in need of after-care treatment. Only those who are not reformed during detention period and who are stray-children and in need of economic as well as social rehabilitation are supposed to come under the purview of after-care treatment.

So far as the structural aspects of the reformatory machineries are concerned one can see that the machineries in U.P. are not scientifically set up. Due to the shortage of the detention home in U.P., the inmates of the undertrial home are facing problems like accommodation, segregation and so on. Naturally, a contamination of minor offenders with heinous offenders cannot be ignored.

During detention period in the under trial homes reports are to be prepared for each and every boy on the basic information gathered through the spot investigations. So probation officers are appointed for this purpose by the government. But we find in U.P. that probation officers are not performing their legal duties. No doubt difficulties are there in executing the duties. The most notable difficulty in this respect is that most of the delinquents do not have any permanent residence. They roam about in the streets. They do not have any specific means of living. Some of them get temporary employment in a tea stall or work as house servants. When they are ill-treated by the employers they indulge in criminal activities. On the contrary, others become the victim of situation immediately after leaving their homes. So, it can be realised in such a situation that a proper and authentic history chart can not be prepared. The probation officers have to depend on the statements of the offenders for this purpose. Last of all, it can not be denied that apathy and negligence on the part of the probation Officers play a vital role. Thus, it can be said that the legal provisions relating to temporary detention centre for court proceedings are not executed properly due to the structural as well as functional hindrance.

CHAPTER- IV

JUDICIAL ATTITUDE TOWARDS JUVENILE DELINQUENTS

The sense of justice must be recognized as one of the foundations of social life. It may be considered as a sort of an inner psychic regulator, which automatically guarantees certain self-imposed restrictions in the interest of community. Any injury to this sense of justice brings about an embitterment and rebellion, and the individual finds himself, as a result, unwilling to continue the renunciation which he observed. Under these circumstances, the continuation of law and order becomes possible only through the increase of the external power of the law. When the public shows undisturbed confidence in the legal institutions and their official representatives, then it may be said that the common sense of justice is in harmony with the demands of powers that be. There is hardly any other part of public life which is watched with so much suspicion and zeal as the work of the machine of justice.

No system of justice is ever able to evaluate the fact of the crime as a cold fact without taking into consideration the person who committed the crime; one can not abstract a deed from the doer. Any opinion rendered by a judge must be based fundamentally, not only on the establishment of the fact

that a crime was committed, but also on the psychological evaluation of the crime.

The Philosophical tradition of Western civilization has included as an important aspect of it, the doctrine of duality—mind and body. Plato gave expression to this position when he differentiated the ideal world from the material world. Descartes posited a dualistic world of mind and body. "I think, therefore, I am." This dualistic position has forced philosophers to account for the interaction of mind and body. Some have solved the issue through the doctrine of parallelism, the notion that interaction between mind and body does not occur, and the two systems operate independently but in parallel fashion as if mind influenced body. The manner in which mind influences body is still a major philosophical problem with which psychologists and philosophers are wrestling.

The lawyer follows this philosophical tradition when he distinguishes between the act and the mental element which is related to the act. The mental element is referred to as intent. The common law rule was, "No crime without an evil intent." The laws of Henry I mentioned the rule as reum non facit nisi mens rea. The general rule is that the accused is

responsible for the consequences of his intentional acts. Mens rea refers to a moral decision-doing something that one ought not to do, and knowing that it is wrong to do it. It involves both cognition and volition; recognition of wrongfulness and the decision to act despite such recognition. Mens rea is not the mere psychic relation between act and action; it is rather the ethico-legal negative value of the deed.

In Carter Vs. United States,¹ the court stated:

If a man is amens sine mente in respect to an act to such an extent that in doing the act he is not a free agent, or not a making choice, or unknowing of the difference between right and wrong, or not choosing freely, he is outside the postulate of the law of punishment.

The crucial place of the mental element in crime is summarized by Professor Mueller when he writes:

The more we learn scientifically about the human psyche, the more insecure we become in the matter of proper alignment of our criminal law along those newly won recognitions. Everyone will agree that a criminal law that disregards human psyche is as useful for society as a police force of deaf,

1. 252 F. 2d 608 (1957).

dumb, blind and lame...². In the field of Criminal law, no question occupies today's scholars, reformers, and legislators as much as that of the mental element of crime, mens rea.³

The wave of liberalism and legislative reforms during the Mid-Eighteenth Century brought about a radical change in the attitude of law-reformists towards young offenders. They drew the attention of penologists towards the fact that, what a child requires is not so much of reformation as formation. Today, due to the growth of the juvenile court movement, most juvenile offenders, under the age of sixteen in the case of boys and under the age of eighteen in the case of girls, are treated as wards of the state rather than as criminals. The concept of intent may be disregarded in the case of the juvenile offender because the issue is one of treatment and rehabilitation rather than punishment. According to Section 82 of the Indian Penal Code,⁴ "Nothing is an offence which is done by a child under seven years of age."

Therefore, under the age of seven years, no infant can be guilty of a crime; for, under that age an infant is,

2. Mueller, Gerhard O.W.: On Common law mensrea. Minnesota Law Review, vol. 42, No. 6, p. 1046.

3. Ibid., p. 1045.

4. Act XLV of 1860.

by presumption of law, doli incapax and can not be endowed with any discretion.⁵ He can not distinguish right from wrong. Further Section 83 of the Indian Penal Code lays down the principle that, "Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion." In construing this section the capacity of doing that which is wrong is not so much to be measured by years, as by the strength of the offender's understanding and judgment. The circumstances of a case may disclose such a degree of malice as to justify the maxim: malitia supplet aetatem.⁶

About the middle of the nineteenth century, a definite movement began in the United States for protecting young offenders in criminal proceedings. Dunham has explained the innovation⁷:

"A development anticipating the juvenile court was the inauguration of probation as a device of dealing with offenders.

5. Marsh Vs. Loader (1863) 14CBNS 535.

6. Mussamat Amona (1864) 1WR (Cr) 43.

7. W.H. Dunham, "Juvenile Court: Contradiction in Proceeding Offenders," Law and Contemporary Problems, Summer, 1958, pp. 509-510, taken from Edward Eldertonso's Law Enforcement and the Youthful Offender: Junvenile Procedures, p. 157.

This practice, initiated in Boston in 1841, highlighted some of the special protections that a child needed when brought before a court of law."

There were other important social forces which speeded the growing concern for juvenile handling. According to Lou:⁸

"The history of modern treatment of juvenile offenders had its rise during the period of the industrial revolution and of the religious and moral revival at the beginning of the Nineteenth Century. It is more or less directly connected with the factory legislation in favor of women and children."

The juvenile court was established essentially as a response to a social problem — society's concern over the callous, in different treatment of children accused of criminal activity. Lou summarizes the precipitating factors of the juvenile court and call attention to the work of private agencies:⁹

8. H.H. Lou, Juvenile Courts in the United States, Oxford University Press, London, 1927, p. 14, taken from Edward Eldefonso's Law Enforcement and the Youthful offender: Juvenile Procedure, p. 158.

9. Ibid, pp. 158-159.

"The juvenile court movement was started principally as a protest against the inhuman attitude of the criminal law, and the court that administers it, toward offending children, and only incidentally as a protest against the unorganized charity work of private agencies and the unsatisfactory state provision for the care of neglected and dependent or destitute children."

Lord Redesdale in 1828 stated¹⁰:

"Now, upon what does Lord Somers, upon what does Lord Nottingham, upon Lord Hardwich, upon what ground does every Chancellor who has been sitting on a bench, in a Court of Chancery since that time, place the jurisdiction? They all say that it is a right which devolves to the Crown, in *parens patriae*, and it is the duty of the Crown to see that the child is properly taken care of."

The doctrine *parens patriae* has for many years been utilized to epitomize the legal and social philosophy underlying the juvenile court. *Parens patriae* describes a doctrine of the English Court of Chancery, by which the king, through his chancellors, assumed the general protection of all infants in the realm. The theory was that the sovereign, as a *pater patriae*, possessed an obligation to oversee the welfare of

10. Wellesley Vs. Wellesley, II, Bligh, N.S. 124; 4 Engl. Rep. 1078, 1828, taken from Edward Eldefonso's Law Enforcement and the youthful offender, p. 159.

the children in his kingdom, who, because of the frailties intrinsic to the minority, might be abused, neglected, or abandoned by their parents or other guardians. The king, through his court of Chancery, could thereby stop in and provide the requisite parental protection and care.

When the juvenile court movement began in 1899 the Committee of the Chicago Bar Association summed up the purposes of the juvenile court system.¹¹

"The fundamental idea of the juvenile court law is that the state must step in and exercise guardianship over a child found under such adverse social or individual conditions as to develop crime... It proposes a plan whereby he may be treated, not as a criminal, or legally charged with crime, but as a ward of the state, to receive practically the care, custody, and discipline that are accorded the neglected and dependent child, and which, as the act states, shall approximate as nearly as may be that which should be given by its parents."

11. R. Pound, "The Juvenile Court and the Law," National Probation Parole Association Yearbook, New York, 1944, p. 13 taken from Edward Eldefonso's Law Enforcement and the youthful offender, p. 165.

The historical development of juvenile courts shows that the motivating force which created them was the concern for children and not of punishing them for any prescribed behaviour. The courts were visualised as parens patriae, to act in place of the parents in case of their failure to take proper care of the child or their being absent to supervise and support him. The treatment of convicted offenders is almost invariably described as "punishment." The idea of punishment in turn involves what Professor Glanville Williams has described as "the mystical theory of moral responsibility."¹² This requires that no person should be punished unless he had the capacity to appreciate that his act was wrongful; and accordingly the mentally ill and young children should be exempted from punishment, and, by extension, from conviction.¹³

"Juvenile Delinquency concern us because it is a "sign post of danger". Unless a thief is caught, he is not a thief, likewise, unless a young person is brought before a court, he is not delinquent. The criminal traits in Juveniles must, therefore, be timely curbed so that they do not turn into hardened criminals in their future. It is with this end

12. (1954) Crim. L.R. 494.

13. J.D. McClean, & J.C. Wood, Criminal Justice And The Treatment of Offenders, p. 177.

in view, that most countries of world, have recognised distinction between the Juvenile Delinquents and the adult criminals, and have established separate Juvenile Courts to deal with young offenders and the procedure adopted in these courts is radically different from that of a regular trial court."¹⁴

The peculiarities of the juvenile court procedure have given rise to a paradox which has resulted in some problems of constitutional law. The paradox is provided by the interesting situation that the courts work on the assumption that they act on behalf of children and in the process the child offenders are denied certain constitutional and legal rights which are available to adult offenders. Sometimes the consequences of or juvenile courts action may be more severe as compared to the consequences the child might have suffered at the hands of an adult court.¹⁵

For the first time the constitutional validity of the juvenile court procedure was challenged in Re Holmes.¹⁶ The U.S. Supreme Court held that since juvenile courts are not

14. Anup Kumar Varshney; Social Defence, Vol. XXV, No. 96, April 1989.

15. Ahmad Siddique, Criminology: Problems and Perspectives, pp. 181-182.

16. Re Holmes (1955).

criminal courts, the constitutional rights granted to persons accused to crime are not applicable to the children before them. The court relied on the proposition that it was not that the juvenile court aimed to punish Holmes but it was only to salvage him and safeguard his interests.

In Re Gault¹⁷, a young boy, was given an indeterminate sentence by an Arizona juvenile court for conveying obscene expression to a woman neighbour over the telephone. The Arizona law did not provide for any appeal from the decision of a juvenile court. The Arizona appellate court refused to review the findings of the juvenile court. An appeal was therefore made to the U.S. Supreme Court that Gault was not given notice of the charges against him nor was he given the right to have a lawyer. Also that he was not allowed to cross-examine the witnesses against him and was made to give self-incriminating answers in the proceedings. Further, the conviction was challenged on the ground that a transcript of the proceedings was not given to the accused and the law did not provide for any appeal. The Supreme Court accepted each one of these contentions and held:

17. 387 US 1 (1967).

Neither the Fourteenth Amendment nor the Bill of Rights is for adults only. Under our constitution, the condition of being a boy does not justify a Kangaroo court.

The Supreme Court made some other observations questioning certain assumptions of juvenile court justice by quoting facts and figures regarding juvenile delinquency and concluded that non-observance of due procedure did not necessarily lead to better crime situation. The court observed:

It is claimed that juveniles obtain benefits from the special procedures applicable to them which more than offset the disadvantages of denial of the substance of normal due process standards... The observance of due process standards, intelligently and not ruthlessly administered, will not compel the states to abandon or displace any of the substantive benefits of the juvenile process. But it is important, we think, that the claimed benefits of the juvenile process should be candidly appraised. Neither sentiment nor folklore should cause us to shut our eyes, for example, to such startling findings as that reported in an exceptionally reliable study of repeaters or recidivism conducted by the standard Research Institute for the President's Commission on Crime in the District of Columbia.

The lack of observance of constitutional safeguards in a juvenile court may, however, be relevant to the growth of delinquent behaviour in a different context which was also pointed out by the court. The Supreme Court quoted approvingly the socio-logists Wheeler and Cottrell:

When the procedural laxness of the parens patriae attitude is followed by stern disciplining, the contrast may have an adverse effect upon the child, who feels that he has been deceived or enticed. Unless appropriate due process of law is followed, even the juvenile who has violated the law may not feel that he is being fairly treated and may therefore resist the rehabilitative efforts of court personnel.¹⁸

Another significant observation of the court was regarding the claim of the juvenile courts that notices of charge of specific offences are not given to the offenders with the object of preventing the disclosure of their deviational behaviour. The court said that the claim of secrecy was more rhetoric than reality. Disclosure of court records of the juvenile offenders to FBI was quite common and the police also have complete files of the offenders which are sometimes made available not only to the FBI and military organizations but also to private employers.

In India also time and again Supreme Court felt the need for the special care and treatment in the cases of juvenile offenders.

18. Juvenile Delinquency - Its Prevention And Control, Russel Sage Foundation, 1966, p. 33.

In Munna and others etc. Vs. State of U.P. and others,¹⁹
the Supreme Court emphatically laid down that:

"Juvenile delinquency is, by and large, a product of social and economic mal-adjustment. Even if it is found that these juveniles have committed any offences, they cannot be allowed to be mal-treated. They do not shed their fundamental rights when they enter the jail. Moreover, the object of punishment being reformation, social objective can not be gained by sending juveniles to jails where they would come into contact with hardened criminals and lose whatever sensivity they may have to finer and nobler sentiments. That is the reason why children Acts are enacted by States all over the country."

Further, the court laid down that:

"When a child is arrested for an offence and is not released on bail, he cannot be sent to jail but he must be detained in a place of safety. The inhibition against sending a child to jail does not depend upon any proof that he is a child under the age of 16 years but as soon as it appears that a person arrested is apparently under the age of 16 years this inhibition is attracted. The reason for this inhibition lies in the court solicitude which the law entertains for juveniles below the age of 16 years. The law is very much concerned

19. A.I.R. 1982 S.C. 806; 1982 Cri. L.J. 620; 1982 S.C.C. (Cri.) 269.

to see that juveniles do not come into contact with hardened criminals and their chances of reformation are not blighted by contact with criminal offenders. The law throws a cloak of protection round juveniles and seeks to isolate them from criminal offenders, because the emphasis placed by the law is not on incarceration but on reformation.

It would thus be seen that even where a child is convicted of an offence, he is not to be sent to a prison but he may be committed to an approved school.²⁰

The Supreme Court observed in the case of Satto & others Vs. State of U.P.²¹ that, "Indian ethos and standards of punitive deterrence make rape a heinous offence. The offenders, however, are children and the dilemmatic issue is to fix the sentencing guidelines when juvenile delinquents come before the court. 'Justice and the Child' is a distinct jurisprudential criminological branch of socio-legal speciality which is still in its infant status in India and many other countries. The Children Act is a preliminary exercise; the Borstal School is an experiment in reformation and even S.360 Cr. P.C. tends in the same direction.

20. Ibid.

21. 1980 Cr. L.R. (S.C.) 210; 1979 Cr. L.J. 943.

Rape is horrific true. The victim is a pathetic child and deserves not merely commiseration but also compensation, an aspect which the state will take note of when a proper application is made to it. Immediate problem is the disposition of the appellants who are also very young. They have served out some term in an 'approved school' which making a realistic appraisal, is a junior 'jail'. It is not as if these little lads are incorrigible rapists or violent toughs running amock. Parental neglect, tempting opportunity, sex perversion libadences liblidincus environs and a host of other factors where state inaction is contributory to exciting adolescent erotica, count for vulgar, vicious or violent delinquency. These boys can and should be rehabilitated, and that is done best by obligating the parent to take care of children concerned and not by institutionalised custody. Section 30 of the U.P. Children Act is attracted by the facts of this case to the extent we are able to glean from the meagre material on record.

It was held in this instant case²² that:

"The appellants to be released on probation of good conduct and committed to the care of their respective parents and if no surviving parents

22. Satto and others Vs. State of U.P. 1980 Cr. L.R. (S.C.) 210, 1979, Cr. L.J. 943.

then their guardian executing a bond each, without sureties to be responsible for good behaviour of the youthful offender for a period of two years from the date of release and for the observance of a condition, namely that the Child shall be put to school or continue its studies if it is already at school and attend any recreational or meditational centre if any, of the parent's choice regularly."

Judge F. Ryan Duffy has written:

"If the judge has before him a complete and accurate presentence investigation report which sets forth the conditions, circumstances, background and surroundings of the defendant and the circumstances underlying the offence which has been committed, the judge can then impose sentence with greater assurance that he has adopted the proper course. He can do so with much greater peace of mind."²³

"Regrettably, our juvenile justice system still thinks in terms of terror, not cure, of wounding, not healing, and a sort of blind man's buff is the result. This negative approach converts even the culture of juvenile homes into junior jails. From the reformatory angle, the detainees are left to drift, there being no constructive programmes for the institutional staff. I highlight these drawbacks largely because the State's response to punitive issues relating to juveniles has been stricken with 'illiteracy' and must awaken to a new 'enlightenment,' at least prompted by the International Year of the Child."²⁴

23. Ibid.

24. Ibid.

The Supreme Court speaking through V.R. Krishna Iyer and R.S. Pathak, JJ in the case of Sri Narain Sahu and others Vs. State of Bihar²⁵ observed:

"We are inclined to reopen the findings of fact concurrently rendered in exercise of our jurisdiction under Art. 136 even assuming there are some errors of law. Every error does not confer a visa into this court lest the flood-gates of litigation flow irressistible stream making the Supreme Court a Superior High Court of appeal. Doing so would condemn the court to functional futility and defeat the design of the founding fathers that ordinarily it shall operate as the nation's summit court deliberating and pronouncing upon issues of great moment and constitutional portent. For these reasons we have confined leave to appeal to the nature of the offence disclosed on the findings on record and the sentence to be imposed if variance is justified on principle."

"Had there been a Children Act in the Bihar State like in most other states of the country, a compassionate trial process would have been statutorily mandatory and children could not be marched into regular criminal courts for trial and conviction, nor incarcerated with adult criminals with obvious debasement and subtle torture such as homosexual attacks. Unfortunately despite repeated observations of this court, the conscience of the State of Bihar has not been quickened into kindness towards children and its legislature has not found the mood or time to pass a Children Act. This is a bad omen in the International Year of the child and we hope that amidst the general tumult the children

25. AIR 1980 S.C. 83; 1980 Cr. L.J. 10; (1980) 1 S.C.C. 74.

will not suffer from legislative neglect Rehabilitation of young offenders is basic to juvenile justice which, in turn, is a component of social justice."²⁶

It is important to mention another observation of the Supreme Court, during the International Year of Child (1979), in Sushil Chandhary and others Vs. State of Bihar²⁷:

"It is important to remember that one of the appellant was 15 years at the time of the commission of offence. It is regrettable and this court has pointed out more than once, that there is no Children Act in Bihar and in this International Year of the Child we have to emphasize that the legislature is expected to do its duty for the Children of Bihar by considering the passing of a measure like the Children Act, 1960... Be that as it may, we are unable to deal with the appellant as a Child for the simple reason that the absence of legislation can not be made up by judicial legislation. All that we can do in the hopeless circumstances of the case and in the helpless situation of the legislative vacuum, is to direct the appellant to be placed either in the open prison or a model prison in the State where young offenders are kept."

While delivering the judgment of the Supreme Court in the case of Hiralal Mallick Vs. State of Bihar,²⁸ the learned Justice V.R. Krishna Iyer observed:

"As mankind is approaching the International Year of the Child (1979), the Indian legal system must be sensitized by juvenile justice. This conscientious consciousness prompted us to counsel,

26. Ibid.

27. (1979) 4 S.C.C. 765.

28. AIR 1977 S.C. 2236.

to examine the statutory position and criminological projects in the "Child" area. We had to make-do with what assistance we got but hope that when a near-pubescent accused is marched into a Criminal court, the Bench and the Bar will be alerted about jus juveniles, if we may so call it. The compassion of the penal law for juvenescents can not be reduced to jejunity by forensic indifference since the rule of law lives by law-in-action, not law in the books. ... If we betray brutality towards children and burke the human hope of tomorrow and the current trust in our hands and hearts.

... conceptually, the establishment of a welfare - oriented jurisdiction over juveniles is predicated and over-judicialisation and over-formalisation of court proceedings is contra indicated. Correctionally speaking, the perception of delinquency as indicative of the person's underlying difficulties, inner tensions and explosive stresses similar to those of maladjusted children, the belief that court atmosphere with forensic robes, gowns and uniforms and contentions disputes and frowning paraphernalia like docks and stands and crowds and other criminals marched in and out, are psychically traumatic and socially stigmatic, argues in favour of more informal treatment by a free mix of professional and social workers and experts operating within the framework of the law. There is a case to move away from the traditional punitive strategies in favour of the nourishing needs of juveniles being supplied by means of a treatment - oriented perspective. This radicalisation and humanisation of jus juvenalis has resulted in legislative projects which jettison procedural rigours and implant informal and flexible measures of freely negotiated non-judicial settlement of cases".

In the case of Sheela Barse and another Vs. Union of India and others,²⁹ the Supreme Court through P.N.

Bhagwati C.J. and Ranganath Misra, J. observed:

29. AIR 1986 S.C. 1773.

"... It is an elementary requirement of any civilized society and it has been so provided in various statutes concerning children that children should not be confined to jail because incarceration in jail has a dehumanising effect and it is harmful to the growth and development of children.

... Some years ago we came out with a National Policy for the Welfare of Children which contained the following preambulatory declaration:-

"The nation's children are a supremely important asset. Their nurture and solicitude are our responsibility. Children's programmes should find a prominent part in our national plans for the development of human resources, so that our children grow up to become robust citizens, physically fit, mentally alert and morally healthy, endowed with the skill and motivations needed by society. Equal opportunities for development to all children during the period of growth should be our aim, for this would serve our large purpose of reducing inequality and ensuring social justice."

If a child is a national asset, it is the duty of the State to look after the child with a view to ensuring full development of its personality. That is why all the statutes dealing with children provide that a child shall not be kept in jail.

... There can be no doubt that incarceration in jail would have the effect of dwarfing the development of the child, exposing him to baneful influences, coarsening his conscience and alienating him from the society. It is a matter of regret that despite statutory provisions and frequent exhortations by social scientists, there are still large number of children in different jails in the country.

In Sheela Barse Vs. Secretary, Children Aid Society and others³⁰, The Supreme Court through P.N. Bhagwati, C.J.

30. AIR 1987 SC 656; (1987) 13 REPORTS (SC) 95.

and R.S. Pathak, J. (as he then was) observed:

"Children are the citizens of the future era. On the proper bringing up of children and giving them the proper training to turn out to be good citizens depends the future of the country.

...Gerontocracy in silence manner indicated that like a young plant a child takes roots in the environment where it is placed. However good the breed be if the sapling is placed on a wrong setting or an unwarranted place, there would not be the desired growth. Same is the situation with the human child.

... If there be no proper growth of children of today, the future of the country will be dark. It is the obligation of every generation to bring up children who will be citizens of tomorrow in a proper way. Today's children will be the leaders of tomorrow who will hold the country's banner high and maintain the prestige of the Nation. If a child goes wrong for want of proper attention, training and guidance, it will indeed be a deficiency of the society and of the Government of the day. A problem child is indeed a negative factor. Every society must, therefore, devote full attention to ensure that children are properly cared for and brought up in a proper atmosphere where they could receive adequate training, education and guidance in order that they may be able to have their rightful place in the society when they grow up.

Recently, Patna High Court in the case of Krishna Bhagwan Vs. State of Bihar³¹ observed that the juvenile Justice Act is a solemn promise by the present to the future. Those who are charged with the statutory duty must

31. AIR 1989 Pat. 217.

not fail Obedience to law by all concerned alone shall ensure justice to delinquent children. The Juvenile Justice Act has been enacted with a predominantly reformatory approach. The Children Act as well as the Juvenile Act treat the delinquent/ juvenile as a special class and provide special procedure for enquiry in respect of charges levelled against them. Even if those charges are established, a very liberal approach has been provided in respect of punishment for such offences.

N.P. Singh, J., in this instant case observed:

"In my view, the Children Act as well as the Juvenile Act treat the delinquent children/juveniles as a special class and provide special procedure for enquiry in respect of charges levelled against them. Even if those charges are established, a very liberal approach has been provided in respect of punishment for such offences."

P.S. Mishra, J. (Concurring) observed:

"In olden days every home was a 'child care home'. Every home protected their child, every child was cared for, looked after, educated and made to live as a proud citizen of the country. Those were the days now petrified in the myths, folklores and songs of the past. When people started living low shrouded with mixture of ignorance, deprivation and subjugation, every home suffered and children suffered most. Independent India inherited with its glorious past liabilities of decades of senitude and the responsibility to lit the dark abyss of future. And who represented the

future? Children who alone go into it, live smoothen and stream roòl the rough roads, through which the country has to march ahead.

Children Act now crystallised in the Juvenile Justice Act, 1986 needed no introduction as neglected or delinquent juveniles could not be ignored. Social maladjustments and economic constraints which caused neglect of and delinquency in children needed a justicesystem exclusive for them justice system as available foradults, was not suitable for juveniles."

In Sanjay Suri Vs. Delhi Administration³², the Supreme Court comprising Justices R.N. Misra and M.M. Dutt, directed that all Jails in India not to accept any warrant of detention issued by a Magistrate, until it describes the age of the person to be detained. All Magistrates have been directed to mention the age of the person, they waht to be kept in jail. All jail authorities have been directed not to honour a warrant if it does not mention the age. It shall be lawful for the jail officers to return the warrant to the court, which issued it, for its rectification - concerning the describing of the age. In exceptional cases only the person concerned may be kept, at the most for a week in the jail. In the instant case, Mr. Sanjay Suri, Chief Reporter of the Indian Express alongwith a trainee. Sub-Editor had filed a

32. AIR 1988 SC 414.

Public Interest Petition on the mal-administration in the capital's jail especially concerning the juveniles.

The judges directed that, due care shall be taken to ensure, that the Juvenile Delinquents are not assigned work in the same area, where regular prisoners are made to work, care should be taken to ensure that there is no scope for their meeting and having contacts. Finally, the visitors Board should consist of a cross-section of society, people with a good background, who are social activists, news media persons, social workers, Jurists, retired public or Judicial officers. The Sessions Judge must be given an acknowledged position on the Board and he must see to it that he has a full picture of the defects in the administration qua the resident prisoners and under trials.

Therefore, after going through the various pronouncements by the Supreme Court and high Courts, it can be said that there is often a very thin line that separates a delinquent from a pre-delinquent. Some of the children involve themselves in delinquent activities at some period of their life and later revert to law abiding life. It is often a part of the growing process of the children. Therefore,

it is desired that preventive services should be strengthened to obviate chances for certain children to fall in the life of delinquency. Children as are mostly un-protected or as belong to families as are involved in criminal activities must be helped at the proper time.

It is the desire of the Juvenile Justice Act, 1986, that the criminal justice system be made to the extent possible informal and saturated with the philosophy of treatment and rehabilitation. This could be achieved only if law-enforcement, prosecution, defence, trial and correction machinery are guided by the correctional philosophy and are motivated by the objectives of protection of the society and treatment and rehabilitation of offenders.

CHAPTER - V

TREATMENT OF JUVENILE OFFENDERS

Where neither punishment nor diversion seem to be sensible responses to wrong doing, treatment has been invoked as the only approach which may produce beneficial results. Whether it is, in reality, as much of an alternative to the other two main responses remains to be seen. As a concept 'treatment' connotes some sort of process of 'doing good'. At least it seems to have been a nice term until recently when the more radical criminologists started pounding it as the embodiment of society's hypocrisy to its wrong doers, 'tyrannous', and a negation of the most fundamental canons of justice. They have been joined by the more traditional critics of anything that is seen as a 'soft' response to delinquents.

Since industrial revolution, juvenile delinquency has become a living social problem in almost all nations of the world. Earlier, both young offenders and adult criminals were treated in a similar way and even death sentence for a juvenile was in vogue. For example, Peter Boss has stated this situation very clearly. He has seen that as late as 1833 a boy of nine was sentenced to be hanged, though the order did not

materialise, for a mere offence of "poking a stick through a patched up pane of glass and stealing two pennyworth of paint".¹ Again, it has been recorded that in 1844 one in 304 of the total population belonging to juvenile age group was sent to prison.²

The present reformatory ideology has depicted after passing over a long historical process. Many social workers, philanthropists and others created pressure on the British government to enact a law in order to deal with the juvenile offenders. Following British Movement, other nations also felt the necessity of having a separate legislation for the treatment and rehabilitation of juvenile offenders. The ethics of the separate legislation are to introduce reformatory attitude, through proper care, protection and treatment, instead of punitive attitude.

"No nation is safe, unless in the average family there are healthy and happy children. If these children are not brought up well, they are not merely a curse to themselves

1. Boss Peter, Social Policy and the Young Delinquent, N.Y., 1967, pp. 20-21.

2. Ibid., p. 21.

and their parents, but they mean the ruin of the state in the future. "Theodore Roosevelt, the former President of the USA, expressed this view a number of times in different lectures and articles." The child of today is the citizen of future. Now, if the children do not conform to the social norms, values and goals of the nation one can not expect good citizenship for the nation in future. That is why, we are to provide proper care to our children so that they can turn into good citizens. According to Dr. Annie Beasant, "The good citizen has to be made in the days of the school, because it is in the time of boyhood that the character is shaped, when the whole nature is plastic."³

Delinquency involves a behaviour pattern which is harmful to society. Because it is evident that a considerable portion of juvenile delinquents turn into adult criminals in almost all societies. For example, Goring shows in his studies that out of 2,204 habitual offenders 53.3% had been first sentenced before the age of 20 years.⁴ Professor Sellin in his study also has given stress on the necessity of reducing

3. A. Beasant, The School boy as citizen, Madras, 1942, p. 3.

4. E. Calvert & T. Calvert, The Law Breakers, London, 1927, p.206.

and preventing juvenile delinquency in order to avoid adult criminality.⁵ Thus, for the purpose of minimization or prevention of criminality an effort ought to be made in its early stage. That is why delinquency must be uprooted at the very initial stage. Experts are of the opinion that abnormal and troublesome persons can be trained to become 'useful and productive' citizens by imparting proper treatment.⁶

As a delinquent child is not a young criminal, so since the beginning of the present century almost all countries accept the principle "that children transgressing the law, must be treated differently from adult."⁷ One can find in a society two groups-the maladjusted and the gifted - existing side by side. The gifted group covers the individuals who have special talent or abilities or social values while the maladjusted group is just the reverse. The maladjusted can be classified under the two heads, viz. aggressive and passive,⁸ Delinquents, come, undoubtedly, under the purview of the first

5. T. Sellin, Culture, Conflict, Crime. N.Y., 1937, taken from M.J. Sethna, Society and the Criminal, Bombay, 1964, p. 336.

6. A.M. Platt, The Child Savers, Chicago, 1964, p. 47.

7. S. Hussain, Juvenile Delinquency, Madras, 1967, p. 48.

8. R.H. Bowman & others, Mobilizing Community Resources for Youth, Chicago, 1965, p. 5.

category. An individual's social life generally involves two kinds of achievements. One is the actions which an individual contributes to the total social process while the other is the accounts where the actions are found to be interpreted, criticized or justified.⁹ Now delinquent act is such action which accounts for interpretations. These are aggressive, violent, anti-social, non-normative in nature. However, delinquent act does not just happen. E. Eldefonso is of opinion that delinquents are "the products of circumstance and chance, culture and environment and-most important-sociological and psychological conditioning."¹⁰ So, if society makes arrangement for such services that will seek favourable socio-psychological conditions, then a socially maladjusted individual will turn into an adjusted one. Naturally, "the treatment of juvenile delinquency is aimed at the social rehabilitation of child."¹¹ Thus, the traditional punitive approach regarding the treatment of delinquency has been replaced by the rehabilitation and corrective philosophy of modern era.

9. P. Marsh & others, The Rules of Disorder, London, 1978, p. 15.

10. E. Eldefonso, Youth Problems and Law Enforcement, N.J.C., 1972, p. 33.

11. S. Hussain, op.cit., p. 61.

WHAT IS TREATMENT?

A basic definition of 'treatment' is a 'way of dealing with a person', which is the sense in which we say someone was treated well or badly, and is also its most common meaning. But the professional meaning to the term refers to a process of professional intervention aimed at ameliorating some difficulty, usually of a medical kind (such as drug treatment) or psychiatric kind (such as psychotherapy of a neuratic person). The reason for many people's objection to the use of the word 'treatment' with offenders is because it suggests that the 'sickness' lies within the offender, rather than in the circumstances which surrounded him. However, although the origins of medical/psychiatric treatment of offenders can be traced back to the erroneous belief that offending was a form of psychological sickness, this does not invalidate the use of the term 'treatment' with offenders.

In general terms 'treatment' can be defined as a 'process of alleviating a problem', and thus is free of theory and has no allegiance to a 'medical' model or particular setting. This term is intended to refer to a purposive, focussed range of activities aimed at ameliorating problems of a person. The treatment approach to young offenders

has three major implications, each of which has far reaching, though inadequately charted, consequences, both for individual offenders and the exercise of social control; as each youngster's problems and needs are different from every others', so his treatment programme must be individualized; because individuals respond at different rates to appropriate treatments, no term can be fixed to their treatment and, therefore, if it is to be successful it must be open-ended of indeterminate, response to and discharge from the treatment programme demands evaluative judgement by a range of professionals who exercise considerable discretion.

The essential ingredients of treatment intervention are a theory or integrated knowledge base with some reasonably coherent view of the problem, and if possible, reasons why it has come about; knowledge of and access to a range of methods which, besides being related to the theory, are also relevant to the target population judged by its salient characteristics; availability of a range of resource - things, places and people with right characteristics, skills, structure and organization to reach and make impact upon the target population in the 'right' manner, and for the appropriate length of time.

Methods can be regarded as systematic ways of achieving objectives. In the treatment field these fall into six broad categories - physical, cognitive, talking therapies, behaviour modification, group dynamics (including 'relationship therapy') and those rely on altering the environment. The practice of treatment is where both the theory and the method find the proof of their relevance and adequacy. As with every other concept and approach, such as justice, punishment and diversion, it is not only what is done, but more critically how it is done that determines its impact and consequence - particularly in an area as fraught with mixed purposes as treatment of offenders.

REFORMATION:

The notion of reform rather than retribution has been fairly rapidly making inroads into the conventional penal system. Each generation has seemed willing to go a stage further than its predecessor in promoting reform as a major treatment goal and to extend the principle. In this way it is hoped that juvenile delinquents will quickly come to leave their delinquent phase behind them and become adequately adjusted to the norms of wider community.

In a very real sense criminals are products of a social process of which the law and its allied penal system are constituent parts. One of the errors which criminological research in the past tended to commit arose because, as Leslie Wilkins has well said, 'a disproportionate amount of attention has been given to the consideration of the offender as an individual and too little to the system with which his behaviour represents an interaction.'¹² This resulted in excessive absorption with the psychological or the psychiatric state of the offender and almost no concern for the ways whereby 'the law and its instrumentalities help to produce the defiant, anti-social state of mind basic to the criminal role'.¹³

The fundamental problem that faces even the most enlightened penal system is how to change the offender's self image after he has become the object of trial and incarceration without giving the impression that law is unimportant. At the earlier, juvenile stage it boils down to how to reassure the child that he is an object of love

12. L. Wilkins, Social Deviance, p. 74.

13. Jackson Toby, 'Criminal Motivation'.

and concern without the abandonment of discipline. As Croft and Grygier showed in their very interesting sociometric study of school boys, some of whom were truants and delinquents, in most classes the latter were rejected by conformists, and those who were rated badly by their teachers were also the least popular with the other boys.¹⁴

Reformation indicates the effort that turns an aggressive, law-violating individual into an appeased, law-abiding one. Naturally, the question arises whether such reformation or correction is possible. Freud has attempted to answer it. To him, maladjusted behaviour pattern can be corrected if the young person relearns social norms, values, etc. which he ought to have learned on his mother's knee.¹⁵

Several studies corroborate that reformation is possible. For example, F.R. Scarpitti, E. Murray, S. Dimitz and W.C. Reckless have studied 125 boys in 1955 and 103 in 1959. They have drawn from their investigations that "once a favourable self-image has been internalized by pre-adolescents

14. I. Croft and T. Grygier, 'Social Relationships of Truants and Juvenile Delinquents', Human Relations, 9, 1956, pp.439-466.

15. S.M. Robinson, Juvenile Delinquency, N.Y., 1961, p. 396.

with respect to friends, parents, school and the law, there is every reason to believe that it is as difficult to alter as a delinquent self-image."¹⁶ Hence these young people are, undoubtedly, socially adaptable. Thus, it may be inferred that reformation is possible depending on age, intensity, behaviour pattern, etc. of the person concerned. Naturally recidivism explicates, the failure of providing appropriate treatment procedure.

The Juvenile Justice Act, 1986, provide for separate detention homes for trial periods; separate courts for the trial of juvenile; correctional institutes for institutional treatment; after-care homes for the purpose of special treatment, if necessary. A juvenile offender is first arrested by the police and sent to a temporary detention home during the period of conviction. After conviction he may either receive non-institutional treatment or institutional treatment depending on the judgement of juvenile judges. The court is empowered to fix up the period of detention and nature of treatment considering the nature as well as the intensity of offence.¹⁷ Hence, the functions

16. M.E. Wolfgang & others, The Sociology of Crime and Delinquency, N.Y., 1962, p. 209.

17. Juvenile Justice Act, 1986.

of each machinery for implementing the procedures is correlated. Not only functions but integrated planning is also required to check "discontinuity and the dissipation of energies and funds."¹⁸

Unfortunately, starting from undertrial homes to after-care agencies, the procedures do not function as per expectation. On many occasions, police arrests those children who are not really guilty. If these children are dealt with indiscreetly by the law, then propensity of delinquency will be increased tremendously. Because, a non-delinquent will react adversely on account of injudicious treatment over him. Moreover, he will get a chance of contamination. He may be trained in anti-social activities on which he had no notion prior to his arrest. In the second place, undertrial homes, in most cases are not staffed adequately to cope with the problem. Such home is expected to perform dual functions, viz. reception and observation. Here observation not only explains protection but simultaneously means proper care and investigation. Care and investigation imply psychological tests, medical care and case study in relation to historical

18. P. Lerman, Delinquency and Social Policy, N.Y., 1970, p. 443.

background for each and every inmate of the reception centres. Individualization ought to take place at this stage and psychologists, medical officers and probation officers are appointed to execute these jobs. But the reception centres in India do not meet these expectations. There are a number of reasons behind that.

Firstly, the reception centre are defective both from functional and structural points of view. Medical examination is not always undertaken, though there is a provision for this purpose. It is a matter of regret that even age verification which is regarded as the cardinal matter by the act is not carried out. Secondly, a detailed case history comprising of family background-economic, educational, cultural for each and every inmate is not maintained correctly. According to Richard Anderson, role of probation is three fold - "to provide the court with background information concerning a defendant and to suggest a possible sentence; to assist a defendant through the court experience and explain anything he does not understand; and to be available to the court as possible resource."¹⁹ Hence, the probation

19. R. Anderson, Representation in the Juvenile Court, London, 1978, p. 23.

officer is required to be an active person. "The essential power of the probation officer is in his personality."²⁰

Hence, lack of sincere effort on the part of the probation officer leads to paralysis of the entire scheme.

Thirdly, the juvenile court should act as a welfare committee rather than a court of law.²¹ The dual role- the role of a lawyer and the role of a social worker - involves the function of assessing the actual facts regarding offences as well as the provision for the proper treatment in order to rehabilitate the offenders. The juvenile judges are in need of facts and findings essential for court proceedings but they do not get all the necessities and, therefore, naturally they issue orders on assumption. As far as structural flaws are concerned, the juvenile court, being in a very few number, can not dispose of quickly and efficiently the cases. As there is no provision for segregation and classification during institutional treatment period, the juvenile court is unable to provide the right treatment to a particular treatment.

20. A.E. Jones, Juvenile Delinquency and the Law, Middlesex, 1945, p. 77.

21. Ibid., p. 55.

Fourthly, on the basis of adjudication, the young offender is either placed under institutional treatment or under non-institutional treatment. It is believed that institutional treatment is not effective for delinquency control. Some eminent psychologists have emphasized that a delinquent child is in need of a considerable span to internalize social norms, values, etc. within a social set-up. Sutherland is of the opinion that "Criminality which is the product of the isolation from culture will not be overcome by more isolation."²²

Non-institutional type of treatment implies that an offender can live with his parents or parent substitutes under the supervision of a fit person, generally the probation officers appointed by the government. The system was first introduced in Massachusetts in 1896. Pactive V. Young in her volume, *Social Treatment in Probation and Delinquency* has advocated the philosophy of Probation Method.²³ Probation is a traditional method or technique

22. E.H. Sutherland, Principles of Criminology, USA, 1939, p. 595.

23. P.V. Young, Social Treatment in Probation and Delinquency, N.Y., 1937, pp. 182-184.

of treatment known as suspended sentence and supervision. The purpose is to provide conditional supervision of punishment instead of repressive penalties due to good behaviour of the offenders. The merits of this method are that first, a probationer can be reformed by direct contact with law-abiding group. Besides if the elements - affection, acceptance, approval - can be provided by his family members and others, his behaviour can be directed again into socially accepted channels. In other words, a sense of belongingness is developed in this method. In this manner this facilitates the process of social restoration of the children. But the limitations of this method can never be ignored. First, the family and the over all social environment should be favourable in modifying his delinquent attitude, beliefs and practices. The role of the family in socialization is unique. Wolfgang and others are of the opinion that the family transmits socially accepted norms and values to the next lives and simultaneously prevents an infant from being influenced by deviant non-normative patterns. Hence "the better integrated the family, the more successful it is a bulwark against anti-social influences emanating from the neighbourhood or the peer group."²⁴

24. M.E. Wolfgang & others, op.cit., p. 338.

Lastly, the personality and efficiency of the probation officers is the main criterion of non-institutional treatment. A.E. Jones nourishes the view that ... "The probation can only cure juvenile delinquency by effecting a change of heart either in the child or the parent."²⁵

However, the probation method is in its infancy in India. This is due to various reasons, e.g. apathy and negligence on the part of the probation officers; ignorance of the probation officers in implementing the method; lack of adequate funds; lack of co-operating among the operational groups.

Another reformatory machinery, viz. after-care home is also concerned with social rehabilitation of the convicted children. It is to act as a supplementary to the correctional institutes. The young people who are unable to go back to their own families are in need of care and shelter after their release. They need vocational as well as psychological rehabilitation. Various efforts are made

25. A.E. Jones, op.cit. p. 77.

during this period to make them self-sufficient, self-reliant and introspective. But in most cases the after-care method is an inseparable part of institutional treatment is practically absent.

Hence, so far as social rehabilitation or reformation of juvenile offenders is concerned, the procedure which is followed in India has not proved effective. Undoubtedly, the existing reformatory procedures had been formulated considering the suggestions made by the experts of different nation. Delinquency control calls for an integrated process where the reception centres, the probation officers, the juvenile judges, the correctional institutes, the parents or parent substitutes and the offenders must have to share the responsibility. The offenders must be cooperative otherwise the entire method will be an abortive one. As a matter of fact, the offenders should have a say into their treatment procedures.

The organization of juvenile correctional institutions and the techniques used to administer them follow the stereotype of any government establishment. The general principles of public administration are strictly adhered

to in these institutions. The fact remains that even changes which have taken place in the principles of public administration over the years have not been incorporated in the administrative techniques. But the rather archaic administrative system that pervades the machinery has proved to be a most serious obstacle for improvement. The existing administrative system is based on checks and balances and was evolved in a different time, in a different context, and for a different purpose. It is more procedure - oriented than action oriented. It is inadequate for an operation, the aim of which is not to maintain the existing state of affairs but to change it.

The main objective of the correctional administration is the rehabilitation of a population which consists of vulnerable and sensitive human beings. The workers in this branch of administration need more of trust, delegation, flexibility and less of routinization and conformity.

Provision of Treatment Under Juvenile Justice Act, 1986.²⁶

This is emphasized by the legislators in the very opening of the Act that an Act to provide for the care, protection, treatment, development and rehabilitation of

26. No. 53 of 1986.

neglected or delinquent juveniles. While we all are living in this era of reformation where the emphasis is being given on the treatment and rehabilitation of offender rather than punishing them in the guise of deterrence. It can be said that this Act is a milestone covered in the way of treatment of juvenile offender. In the prefatory note of the Act it is mentioned that this legislation aims at achieving the objectives to provide for a specialised approach towards the treatment of juvenile delinquency in its full range in keeping with the developmental needs of the child found in any situation of social maladjustment, to spell out the machinery and infrastructure required for the care, protection, treatment, development and rehabilitation of various categories of children coming within the purview of the juvenile justice system.²⁷

In Sunil Kumar Vs. State,²⁸ the Supreme Court laid down that the Children Act, 1960 contemplates the constitution of three types of institutions, the Children's house, Special Schools and Observation Homes. The Children Home is intended

27. Prefatory Notes - Statement of Objectives and Reasons, Juvenile Justice Act, 1986.

28. 1983 Cri L.J. 99 (Ker.).

to receive neglected children and that should provide the child not only with accomodation, maintenance and facilities for education but also with facilities for the development of his character and ability and give him necessary training for protecting himself against moral dangers or exploitation. The special schools established under the Act are intended for the reception of delinquent children and that again must not only provide accomodation maintenance and facilities for education but also with facilities for development of the child's character and abilities and give him necessary training for his reformation. Observation Homes are intended for temporary reception of children during the pendency of any enquiry regarding them under Children Act. That too should provide the children not only with accomodation, maintenance and facilities for medical examination^{and} treatment but also facilities for useful occupation.

This Act makes It mandatory on the part of Juvenile Court, that if it reasonably appears that the release of the juvenile delinquents on bail is likely to bring him into association with known criminal or expose him to moral danger or that his release would defeat the ends of justice,

to make an order to send him an observation home or a place of safety.²⁹ Where a parent or guardian of a juvenile complains to the Juvenile Board that he is not able to exercise proper care over the juvenile and the Board is satisfied on inquiry that proceedings under this Act should be initiated regarding the juvenile, it may send the juvenile to an observation home or a place of safety and make such further inquiry as it may deem fit.³⁰ Section 16 of the Act contains the provision regarding the placement of the neglected juvenile under supervision for any period not exceeding three years in the first instance.³¹ Where a Juvenile court is satisfied on inquiry that a juvenile has committed an offence, then the Juvenile Court may allow the juvenile to go home after advice and admonition; direct the juvenile to be released on probation of good conduct and placed under the care of any parent, guardian or other fit person; direct the juvenile to be released on probation of good conduct and placed under the care of any fit institution for the good behaviour and well-being of the juvenile for any period not exceeding three years.³² If at any time

29. Section 18, Juvenile Justice Act, 1986.

30. S. 17, ibid.

31. S. 16(2), ibid.

32. S. 21(1)(a)(b)(c), ibid.

Juvenile Court may make an order that the delinquent juvenile shall remain under the supervision of a probation officer. If at any time afterwards, it appears to the Juvenile Court that the juvenile has not been of good behaviour during the period of supervision or that the fit institution under whose care the juvenile was placed is no longer able or willing to ensure the good behaviour and well being of the juvenile it may order the delinquent juvenile to be sent to a special home.³³

In Satto Vs. State of U.P.³⁴, the Supreme Court reiterated the view that in a case where the Child has acted on impulse in committing an offence, and there is nothing to show the presence of any vicious streak of character, it would be more appropriate to leave him to care and attention of parental authority rather than to send him to an approved school. That will depend, however on whether parental attention is possible and forthcoming and whether it does not suffer from want to sufficient effectiveness in moulding the proper moral development of the child. It may very

33. S. 21(2), ibid.

34. (1979), 2 SCC. 626.

often happen that a juvenile offender who is sentenced to Jail for a short period of imprisonment for a trivial offence may be practically ruined for life, whereas he would be saved by the due application of provisions of probation.³⁵

In Munna Vs. State of U.P.,³⁶ Supreme Court observed that the law is very much concerned to see that juveniles do not come into contact with hardened criminals and their chances of reformation are not blighted by contact with criminal offenders. The law throws a cloak of protection round juveniles and seeks to isolate them from criminal offenders, because the emphasis placed by the law is not on incarceration but on reformation.

In considering the social inquiry reports and the adversarial presentation of a young offender, the court is arbitrating between the prosecution and the defence who emphasise differing degrees of 'badness' and 'madness'. Where a youngster's guilt is not in question and the offence demands some sort of sanction, the defence almost invariably

35. Daryalal Vs. Emperor, 25 Cri. L.J. 1224 (Sind.).

36. (1982) 1SCC 545: 1982 SCC (Cri) 269.

asks for the 'softer' non penal measures. For youngsters obviously the non-penal outcome is better for professional image and business.³⁷ If any treatment is to be effective it must make its impact on the individual delinquent. Individuals can be seen as overlapping circles of problems and needs - they have both similarities and differences. Their offending, though superficially similar, is of different significance in relation to other important events and experiences in their lives. To affect their offending would, therefore, require an individually tuned programme which, while sharing elements of the treatment of other delinquents, nevertheless reaches the unique configuration of a particular youngster's needs.³⁸

37. Masud Hoghughi, Delinquent; directions for Social Control, London, 1983, p. 242.

38. ibid., p. 256.

CHAPTER- VI

PREVENTION OF JUVENILE OFFENDERS

WHAT IS PREVENTION?

"Any attempt to define preventive activities in the field of delinquency presents enormous hazards both because of differences in what various persons mean by prevention and because of the generally accepted fact that delinquency has multiple causes. The multiple causation theory itself poses certain complications, because most social scientists today agree that it must be applied to delinquency as a whole as well as to delinquent conduct in a particular child. Furthermore, a review of the pertinent literature suggests that those concerned with prevention define it in one of three ways: (1) the sum total of all activities that contribute to the adjustment of children and to healthy personalities in children; (2) attempts to deal with particular environmental conditions that are believed to contribute to delinquency; and (3) specific preventive services provided to individual children or groups of children".¹

The methods of reformation, like the methods of punishment, have not been notably successful in reducing crime rates. The implication of these facts is that the

1. Herbert A. Bloch and Frank T. Flynn, Delinquency, N.Y., pp. 511-512.

policy of prevention must be emphasized if the delinquency rate is to be reduced significantly. A case of delinquency is more than a physiological act of an individual. It involves a whole network of social relations. It has become a fundamental principle in medical science that prevention is better than cure. Medical Scientists are of the view that treatment of disease becomes irrelevant, if disease can be eliminated. Thus, prevention of disease should be the main aim. Hence, medical scientists devote their skill and energy in preventing disease rather than curing it. Similar view is nourished by the experts in criminology. According to them, delinquent behaviour is also a kind of disease and the idea "prevention is better than cure" is equally applicable here. For example, if there is no maladjusted individual, the question of rehabilitation or reformation does not arise. The attitudes, beliefs and practices of a delinquent boy can not always be reformed or changed by treatment. Moreover, all of us are well aware of the fact that a considerable portion of delinquents are unobserved by society and they are known as "hidden delinquents" in almost all societies. As a consequence, they do not come under the purview of treatment procedures and thus delinquent inclinations can not be controlled totally, only by implementing treatment

method. We are to give more and more emphasis on eradication of delinquency rather than on treatment of delinquents. Preventive measures are more desirable as compared to curative measures.

The reports of the International Group of Experts on the Prevention of Crime and the Treatment of Offenders which at its fifth session in 1975, emphasized upon three categories of preventive measures. These are: "(i) Prevention by early detention and treatment of potential delinquents before they present a manifest problem; (ii) Prevention at the stage of pre-delinquency, i.e. by diagnosis and treatment of the problem personality; and (iii) Prevention of recidivism, i.e. the prevention of the commitment of a crime by persons previously convicted".²

The preventive programmes of delinquency should be designed after a careful and adequate understanding of the problem and should be related to the causes of delinquency. An adequate understanding of the problem requires an analysis of two issues, viz. the nature as well as the extent of the

2. L. Bovet, Psychiatric Aspects of Juvenile Delinquency, WHO Geneva, p. 93.

problem and the etiological analysis of the problem. So some steps should be taken while formulating preventive programme. These steps are: "understanding the nature of the problem"; "drawing implications for action"; "creating a framework for preventive action"; "from social theory to social engineering" and "learning the experience of others."³ That is to say, one has to understand the problem first, then formulate the relevant action and implement it. Now, such formulation requires experience of various agencies like field workers, social and psychological workers and so on. Thus, we can overcome the situation in regard to theoretical formulations that "do not take into account many of the contingencies of real life situation which can and do subvert prevention efforts."⁴

Inspite of these inherent difficulties in formulating policies for the prevention of delinquency, Edwin H. Sutherland has proposed certain policies as "principle policies" for preventive technique. These are:

"(a) "Sterilization of the unfit, on the assumption that the unfit will produce future delinquents;

3. J.R. Stratton & R.M. Terry, Prevention of Delinquency, U.S.A. 1968, pp. 36-39.

4. Ibid., p. 7.

- (b) case work with delinquents or near-delinquents who are not at the time under the jurisdiction of the agencies of justice;
- (c) group work with delinquents or near-delinquents who are not at the time under the jurisdiction of the agencies of justice;
- (d) community organization in areas of high delinquency rates;
- (e) adaptation of general social institutions to the need of constituents;
- (f) general social reorganization."⁵

By the word 'near-delinquents' Edwin H. Sutherland perhaps wants to mean pre-delinquents or potential delinquents. Evidently he has laid stress on the potential delinquents throughout his preventive policies. This approach requires identification of potential delinquents, though it is very difficult to do so. As the nature and extent of delinquency varies from one country to another and even from one state to another, there is no meaningful and measurable instrument for the concept. Hence, inadequacy of delinquency prediction

5. Edwin H. Sutherland, Principles of Criminology, U.S.A., 1939, p. 617.

instrument impedes the implementation of preventive devices. However, experts have tried their best to devise prediction instruments. Among them, S.Kirson Weinberg, in his article "Theories of Criminality and Problem of Prediction" advocates two basic theoretical approaches in this respect. To him, "... prediction studies may be assessed in terms of implicit or explicit theories utilized and that his 'unified' approach suggests particular kinds of variable as potentially significant for developing predictive instruments."⁶ Again, among others Jackson Toby, in his article "An Evaluation of Early Identification and Intensive Treatment Programmes for Pre-delinquents" exhibits a precise criticism of prediction programmes and evaluates simultaneously, two famous prediction programmes. He states, "Early identification programmes are based on either of two logically distinct principles: extrapolation or circumstantial vulnerability." Toby also explains these two concepts. As he says, "the principle of extrapolation assumes that pre-delinquents are youngsters in the early stages of a delinquent way of life; the principle of circumstantial vulnerability assumes that youngsters who have been exposed to circumstances believed to cause delinquency are likely to become delinquents".⁷ It is

6. J.R. Stratton, op.cit., p.52.

7. Ibid., p. 99 .

desirable to note that these two prediction principles have been implemented in the Cambridge Somerville Youth Study and the New York City Youth Board Prediction Study.⁸

Apart from this, some specific problems act as hinderances in formulating prevention programme. Among them inter-institutional conflicts stand is a major one. As far as the implementation of preventive programme is concerned, one can detect numerous problems. For example, individuals whose cooperation is inevitable for successful execution of the programme sometimes hinder achievement of goals by combating among themselves for power, position or by showing apathy to implement new techniques or by refusing to coordinate their services with others. In addition the traditional structure resists the introduction of new techniques and methods. Besides, money required for implementation of preventive policies, may become the pertinent question.

In Indian situation both formulation and implementation of preventive device has become very difficult. For example, identification of 'near-delinquents' is not at all an easy job. Moreover, a constructive method on prevention programme can not be formulated easily. Interinstitutional conflicts

8. Ibid., p. 53.

are equally prevalent. In brief, availability of resources - man, money, material - becomes a cardinal matter in implementing preventive devices. In spite of these inherent problems, the importance of implementation of preventive device can not be and should not be ignored. The general activities of existing agencies - family, school, religious institute, law enforcement agencies and the like - of a community can effectively reduce delinquent behaviour. Delinquency can be prevented or eradicated if these agencies operate smoothly and effectively. But due to corruption and malpractices these agencies generally work at cross purposes. They produce more often delinquent tendencies rather than to reduce it.

Any preventive programme of delinquency consists of two basic elements - positive and negative - as evolved both from theories of crime causation as well as from experiences of experts. It is generally believed that certain conditions are conducive to delinquency and if they can be eliminated or modified delinquency will be eradicated. For example, economic insecurity; poor housing facilities; crime related picture, movie, literature and the like are to be eliminated as they are detrimental to society. Thus, it is negative approach as

far as preventive policies are concerned. But this approach does not always become adequate. That is, eradication of maladjusted behaviour pattern cannot always be possible by removing all these conditions. These elements are not regarded as the primary socializing and social control agents, though the majority of delinquents are needy but majority of needy do not become delinquents. Thus, provision relating to economic elevation may not produce an effective result in eradication process. Likewise, by eliminating bad pictures, literatures, etc. the nature and intensity can only be minimized or checked but eradication of delinquency can not be attained totally. No doubt, improvement in housing facilities has some constructive effects. The improvement in housing facilities does not imply material prosperity alone. It also indicates an improvement of the family relationship.

As far as the positive approach is concerned it is believed that there are certain conditions which play a crucial role in modifying or altering the non-normative or anti-social activities of an individual. According to this school, delinquency will be controlled if these conditions are introduced in devising preventive measures. Thus, the school has laid down some programmes- employment, recreational and educational and so on - that are conducive in removing

delinquent propensities of an individual. J.R. Stratton and R.M. Terry highlight the importance of employment programme. To him, "work training not only provides the skills necessary for steady and profitable employment, but also provides, one who undergoes the training with skills, values, behaviours and habits that he can apply to other no-work contexts and relationships" and "work training thereby both directly and indirectly is assumed to reduce the likelihood of delinquency".⁹ If we critically examine this view, we can argue that delinquency is concerned with non adult offenders - children and adolescents. Naturally, employment programme can not play the desired role in delinquency prevention. But the programme seems to be efficacious in criminality control. Hence, for our purpose, employment programme may be an effort in preventing recidivism rather in preventing delinquency as a whole.

According to some sociologists and psychologists recreational facilities have enormous power in controlling delinquency. But the recreational programme on eradication of delinquency trend is somewhat doubtful. But recreation can not act as the only determinant of socially adaptive

9. Ibid., p. 239.

behaviour formation. But a healthy recreational policy must have some value in curbing delinquency. By healthy recreation policy, we mean a planned leisure-time activity. More precisely, it can be stated that if children get their recreational urges satisfied within the family, they will not be tempted to such activities which are detrimental to socially adaptive behaviour formation. Recreational programme may uphold a claim to be an effective devise in curbing or reducing delinquency rather in preventing or eliminating delinquency.

Likewise, some put emphasis on some religious programmes in preventing delinquency. To them, order within a society can not be achieved only by the enforcement of laws but also by the voluntary adherence to ethics of the laws. Evidently, a high rate of crime means a low level of voluntary attachment to the moral principles in society. It is generally believed that religious organizations can resist the erosion of faith and uplift trust between persons, in institutions and in government. Thus it can be assumed that religious agencies will be faithful to delinquency prevention. We can not totally disregard this issue. Socialization of an individual takes place in his early childhood. A child spends most of the time in the family when he is plastic in nature. During this period his attachment to the religious institutions is practically absent. Naturally,

religious organizations can not preach moral lessons to the children in order to resist their erosion. As a secondary socializing agent, religious institution can enhance moral sense of a child if he already adopts some social norms and values within himself. Thus, as far as moral lessons are concerned, the role of family is more significant as compared to the role of religious organizations. Without humiliating religious programme may be a delinquency controlling device rather a delinquency preventing device.

Besides some experts give stress on educational programme in formulating effective preventive policies. According to Sethna "It should be the education, capable of resisting the individual above his mere biological existence; it should be the education that shapes the individual for worthy life, making him a fit actor on the stage of life; it should be the education that teaches him that goodness is greater and finer than more greatness; it should be the education that makes the individual a good person - a friend of all ...¹⁰ Again, he puts emphasis on moral education as "the very backbone of an ideal education system". One can not deny the relative weight of educational system for the

10. M.J. Sethna, Society and the Criminal, Bombay, 1964, p.342.

well-being of a society. Undoubtedly the prosperity of a society depends on values like morality, honesty, sincerity on the part of the individuals who comprise society. The word "demoralized" is used frequently just to indicate socially unacceptable character of the individual concerned. So it becomes inevitable to impart moral lessons to the individuals of the community. The advocates of this programme suggests to impart moral lessons through educational institutions with a view to prevent delinquency. Aichborn has expressed this view very beautifully. He writes "... man becomes civilized through experience and training. Life forces him to conform to reality, education enables him to achieve culture."¹¹ But inspite of this value of education, we can not totally agree with the view that implementation of formal educational programmes through institutions will act as a preventive device of delinquency. Because a child spends only a little part of his time in school. Now, if he gets any moral lesson in school, he may forget it unless moral training is not, simultaneously, imparted in his family. In addition, a majority of the delinquents do not have any formal educational background. Some of them are even illiterate. Naturally, they have no experience of educational institutions. Apathy or negligence of the

11. A. Aichborn, Wayward Youth, N.Y., 1957, p. 4.

parents or foster parents is one of the causes in this respect. So, if a child does not attend any educational institution, how can an educational institution impart moral training to him. But educational programme must have a great value on curbing delinquency, as "the treatment of delinquency is a matter of re-education".¹² Educational programme, thus, can be introduced as a treatment device of delinquency rather a preventive device of delinquency.

In brief, these proposed programmes in formulating preventive devices of delinquency should not be undermined as these programmes are concerned with the secondary socializing agent. These programmes will appear as more effective and useful in reducing or curbing delinquency rather than in eliminating or preventing delinquency as a whole. As a consequence, we are to find out the device or devices which may appear effective in eradicating delinquency.

Juvenile delinquency has become a living social problem in almost all nations of the world and the incidence of juvenile delinquency is increasing. Naturally, it becomes a difficult task to control or eradicate juvenile delinquency because

12. Ibid., p.3.

juvenile delinquency begets adult criminality all over the world. That is why, prevention of criminality must start with delinquency, because any kind of reformation or correction, generally takes place in its early stage rather than in developed or advanced age. The mode of shaping or forming can only be possible when the thing is in plastic stage. Besides, the children of today will be the citizens of tomorrow. As a consequence, prosperity of a country, ultimately, depends on the qualities of the citizens who are regarded as one of the main ingredients of the country. Demoralised or maladaptive population will hinder, enormously, the progress of the country. Hence, juvenile delinquency should be controlled or prevented with much adroitness.

Since, the beginning of the present century, almost all nations accepted the philosophy of social rehabilitation of youthful offenders. Maladjusted behaviour pattern can be reformed if the children learn socially accepted rules of conduct by any other agency. These rules they are expected to learn, but do not learn, at their mothers' knee. Thus, the traditional punitive philosophy has been replaced by the modern reformatory philosophy. Hence, efforts should be made to reform the youth offenders rather than to punish them and thus, to

resist recidivism. Treatment of delinquency aims at the social rehabilitation of the delinquents. The theories of reformation demand certain techniques but knowledge in relation to these techniques is still insufficient. However, reformation can not be possible by suppressing tendencies towards delinquency. It requires modification of habits and thus calls for understanding of the situation from the offender as well as the reformer. The reformer should have the capacity to impress upon an offender so that the offender gives up his old habits. Hence, the personnel for reformation must be sincere, sympathetic to the target population. Otherwise, reformation techniques will not bear any fruit. Apart from reformatory measures experts have laid more emphasis on formulation and implementation of preventive policies and programmes. The preventive approach has got two advantages over reformatory approach. Prevention is prior to reform and reformation of anything is somewhat uncertain.

Thus, according to Donald R. Taft and Ralph W. England Jr., "... crime prevention of a basic and enduring sort calls for changes in attitudes and values as well. Dangerous deep-rooted values, some of which are almost sacred, require attention. Such changes would, however, involve tremendous difficulties. In the first place, they would require further knowledge than we now possess of the myriad effects of basic

social change. In the second place, powerful interest groups are entrenched in some of the cultural roots of crime and will resist their uprooting. In the third place, some of the roots of crime are sacred in the minds of many of the general public..."¹³

Provisions of Prevention Under The Juvenile Justice Act, 1986:¹⁴

In the prefatory note of this Act, it was stated, so far the prevention of Juvenile offenders is concerned, that this legislation aims at achieving the objectives to provide for a specialised approach towards the prevention and treatment of juvenile delinquency in its full range in keeping with the developmental needs of the child found in any situation of social maladjustment..."¹⁵

The Act makes it obligatory on the part of the police officer that if any neglected juvenile found within the limits of such police station he shall be brought before the Board without any loss of time but within a period of twenty-four hours

13. Donald R. Taft & Ralph W. England, Jr., Criminology, Fourth Edition, N.Y., 1964, p. 534.

14. Act No. 53 of 1986.

15. Prefatory Note - Statement of Object and Reasons of Juvenile Justice Act, 1986.

excluding the time necessary for the journey from the place where the juvenile had been taken charge of to the Board.¹⁶ Further, it lays down that every juvenile taken charge shall, unless he is kept with his parent or guardian, be sent to an observation home (but not to a police station or jail) until he can be brought before a Board.¹⁷ Further this Act empowers the Board to call upon the parent or guardian to produce the juvenile before it and if it appears to the Board that the juvenile is likely to be removed from its jurisdiction or to be concealed, it may immediately order his removal to an observation home or a place of safety.¹⁸

Section 15 empowers the Juvenile Boards for those cases where the Board is satisfied on inquiry that the juvenile is a neglected juvenile and it is expedient so to deal with him, the Board may make an order to send the juvenile to a juvenile home for the period which the Board may think fit but in no case the period of stay shall exceed beyond the time when the juvenile attains the age of the eighteen years in the case of a boy and twenty years in the case of a girl.¹⁹

16. Section 13(3) of Juvenile Justice Act, 1986.

17. Section 13(4), ibid.

18. Section 14(2), ibid.

19. Section 15(2), ibid.

The Board is also armed with the power to send a juvenile to an observation home, wherein it thinks, during the pendency of any inquiry, that the parent or guardian is unable or unfit to exercise or does not exercise control over the juvenile.²⁰ For the good behaviour of the juvenile and for the observance of the conditions, the court may ask the parent or guardian of the juvenile to execute a bond with or without surety.²¹ The Board, may, in addition, make an order that the juvenile be placed under supervision for any period not exceeding three years in the first instance.²² On the reception of a report from the probation officer or otherwise, that there has been breach of any of the conditions imposed by it in respect of the juvenile, the Board may, after making inquiry as it deems fit, order the juvenile to be sent to the juvenile home.²³ Section 17 speaks about uncontrollable juveniles. Where the parents or guardian of a juvenile complains the Board about his/her inability to control over the juvenile, the Board may send ~~the~~ juvenile to an observation home or a place of safety.

Section 18 of the Act lays down the provisions that if the release of juvenile on bail with or without surety is

20. Section 15(3), ibid.

21. Section 16(1), ibid.

22. Section 16(2), ibid.

23. Section 16(3), ibid.

likely to bring him into the association with any known criminal or expose him to moral danger or that his release would defeat the ends of justice, the Juvenile Court may refuse to release. But that juvenile shall be kept in an observation home or place of safety. In Gopinath Ghosh Vs. State of West Bengal,²⁴ the Supreme Court reiterated that where a juvenile delinquent is arrested, he/she has to be produced before a juvenile court and if no juvenile court is established for the area, amongst others, the court of sessions will have powers of a juvenile court. Such a juvenile delinquent ordinarily has to be released on bail irrespective of the nature of the offence alleged to have been committed unless it is shown that there appears reasonable grounds for believing that the release is likely to bring him under the influence of any criminal or expose him to moral danger or defeat the ends of justice..

In Bansi Lal Vs. State of H.P.,²⁵ it was observed that law provides different punishments for different kinds of offences and at the same time it confers a wide discretionary jurisdiction on the courts to release the convicts, not involved

24. 1984 Supp. SCC 228: 1984 SCC (Cri) 478.

25. 1980 Chand LR 64 (HP).

in heinous offence, on probation instead of incarcerating them to prison. The main object in adopting either of these courses is two fold: the prevention of crime and the reformation of the offender. In some cases a different punishment may be called for to achieve the aforesaid object while in others, infliction of punishment of this type may have just the reverse effect and may convert an otherwise harmless offender into a hardened criminal and a potential danger to the society. Release on probation may be more appropriate remedy in such like cases. It is in this sphere that the court is required to exhibit its sense of responsibility and decide as to which course it should adopt in a particular case.

Section 21 empowers the Juvenile Court to release the juvenile on probation of good conduct and place under the care of any parent or guardian, executing a bond, for the good behaviour and well being of the juvenile for any period not exceeding three years.²⁶ The juvenile court may also direct the juvenile to be released on probation of good conduct and placed under the care of any fit institution for the good behaviour and well-being of the juvenile for any period not exceeding three years.²⁷

26. Section 21(1) (b) Juvenile Justice Act, 1986.

27. Section(21) (d)(c), ibid.

The Juvenile Court may enhance the period of supervision on receiving a report from the probation officer.²⁸

In general terms, probation is an attempt to supervise the youngster in the community and provide help to resolve any difficulties which he may experience. It is thought that keeping the youngster on probation and exercising gentle sanction and social pressure on him may be just sufficient to keep him on the straight and narrow.²⁹

One important variant on prevention is to focus on reducing the opportunity for offending rather than concentrating on the offender. This form of prevention entails such elements as making the target of crimeless vulnerable through security or removal, removing the means to crime, removing its rewarding consequences and creating an environment in which, through surveillance and other measures, the chances of committing offences are reduced.³⁰

28. Section 21 (2), ibid.

29. Masud Haghugh, Delinquent directions for social control, London, 1983, p. 228.

30. Ibid., pp. 220-221.

EPILOGUE

E P I L O G U E

C O N C L U S I O N

Crime is not a new invention, it is as old as time. Furthermore, juvenile delinquency has been its constant companion and, as such, has served as a "training school". Socrates is alleged to have declared.¹

"The children now love luxury. They have bad manners, contempt for authority, they show disrespect for elders and love chatter in place of exercise. They no longer rise when their elders enter the room. They contradict their parents. Chatter before company. Gobble up dainties at the table, and tyrannize over their teachers".

When we glance back through page after page, one striking fact leaps out in bold relief- the fact of multiple determination. Crime is assignable to no single universal source, nor yet to two or three: it springs from a wide variety, and usually from a multiplicity, of alternative and converging influences. So violent

1. Edward Eldefonso: Law Enforcement and the Youthful Offender : Juvenile Procedures, p.3.

a reaction, as may easily be conceived, is almost every where the outcome of concurrence of subversive factors: 'it needs many coats of pitch to paint a thing thoroughly black.' The nature of these factors, and of their varying combinations, differs greatly from one individual to another: and juvenile offenders, as is amply clear, are far from constituting a homogeneous class.

According to Henry Rodes², "The revolt of the criminal against society is often born in the first place of nothing more than a revolt against intolerable conditions". Experts are of the opinion that certain weaknesses may be inherited but there is no scientific evidence to support the biological transmission of crime. Modern criminologists like Healy, Burt, Gluecks and others have come to the conclusion from their findings that one may inherit certain mental or physical characters which under suitable environmental conditions may produce delinquency or criminality. As far as delinquency is concerned, biological factors are not significant.

2. B. Mukherjee, Crime and Indian Children, Calcutta, 1947, p.4.

We are well aware of the fact that modern societies are facing so many social problems and juvenile delinquency is one of them. Juvenile delinquency is a by-product of industrial revolution. Industrial revolution in the beginning shook the very foundation of the traditional society in Europe for the first time and then in other countries also. The alienation caused by urbanization and industrialization has shattered the very foundation of a well-knit family life. The dynamic developments are agitating the elementary basis of social order. The established standard of social norms and values are undergoing perplexed transformation. This process in the long run leads to deviations in individual behaviour. The enculturation of a child is essentially the primary function of the family. But the members of the modern families have either little zeal or time to perform this function effectively or efficiently. Any defective family relationship generates stress and strain on the part of the individuals and begets tendencies towards socially maladaptive character formation. Hence, juvenile delinquency is one of the major social problems of deviation resulting from the rapid pace of industrialization and urbanization.

The theory of born criminals nourished by the Italian School of Criminology is in a state of decline. Modern sociologists and psychologists are of the opinion that socialization of an individual plays the vital role in personality formation. For example, Grant S. McClellan says, "We must accept this fundamental premises : No child is born into the world to be bad or to be good. He is as bad or as good as we make it possible for him to be good."³ Socialization is the process by which the newborn child acquires the values of the group and is shaped into a social being. Socialization consists of learning the way in performing certain social roles satisfactorily. A child learns a set of rules first in the family and then in other groups. A child from the very day of his birth lives and grows up in the family. Naturally, the family lays down the foundation upon which other agencies must build. The Gluecks, are very emphatic on this issue and have argued, "Despite the genetic roots of many characteristics, a potent involvement of early childhood influences in the home is also operative in the development and moulding

3. G.S. McClellan, Juvenile Delinquency, N.Y., 1956, p.47.

of traits of personality and character of a crippling kind which add to the child's incompetence to meet the demands of life that are made on him in the ever-widening world outside the borders of home."⁴ It is quite natural that unfavourable or unhealthy family life does not play its pivotal role of socialization contrariwise, it hinders the developments of a healthy personality on the part of an individual. We are well aware of the fact that some fundamental needs are considered as the basic requirement as far as the character formation of an individual is concerned. These needs are biological need, need of acceptance, need for affection and for security. A disorganized family cannot fulfil these basic requirements of an individual. As a result, a child feels insecure and unwanted in such a family. He seeks his satisfaction in other ways. Thus mental tension leads to emotional conflict and ultimately, the child may be involved in delinquent activities.

Theodore Roosevelt, a former President of the U.S.A., is of the opinion that "No Nation is safe unless in the average family there are healthy and

4. S. Glueck and E. Glueck, Family Environment and Delinquency, London, 1962, p.98.

happy children. If these children are not brought up well, they are not merely a curse to themselves and their parents, but they mean the ruin of the state in future." It is beyond any doubt that juvenile delinquency must be controlled in order to eradicate adult criminality. The earlier trend was that the juvenile delinquents and the adult criminals were treated in a similar way. But, after a world wide reform movement, almost all nations today have separate legislations with a view to provide separate treatment for juvenile delinquents.

Prevention is always better than cure. If we can uproot delinquency its treatment will be of use. The United Nations has organised congress on the prevention of Crime and the treatment of Offenders and these Congress also have made recommendations for introduction of effective preventive programme.⁵

Now, everybody, accepts the proposition that prevention of crime should be closely related to theories of crime causation. But experts in this discipline differ

5. U.N. Publication :Dept. of Economic and Social Affairs
International Review of Criminal Policy, No.34, 1978, pp.5-8.

in relation to the theories of crime causation. One can hardly find out any uniform method and programme in regard to the prevention of delinquent. In spite of the problems some authors advocate some programmes for prevention of delinquency and these programmes can be brought broadly under two heads. First, certain types of conditions are believed to be conducive to delinquency and elimination of these conditions can be used as a preventive method. For example, poverty, bad literature, bad cinema, etc. are supposed to be delinquency prone factors. If these can be eradicated, then society may be largely freed from delinquency. In the second place, if certain positive programmes like employment, recreation, religion, etc. are introduced, delinquency can be uprooted from a society. These programmes can or may, undoubtedly, minimize the problem but can not or may not be able to uproot the problem from the society. For example, a child or an adolescent generally, does not seek employment during his childhood. Contrariwise, he is supposed to take educational lessons during this period. Implementation of employment programme can, naturally, not prevent a child from being an anti-social element. But it can be a controlling device.

For example, a delinquent may seek his economic and social rehabilitation in a society after his release. And employment programme will be meaningful in such a situation. Hence, employment programme can be an effective and meaningful effort in preventing recidivism.

The factors or conditions conducive to delinquency must be removed or eliminated from the family environment in order to achieve success in preventing delinquency. Broken home condition, quarrelsome atmosphere, defective discipline, defective household management, immorality or criminality on the part of the members of the family and the like are the contributing factors in delinquency. As a matter of fact, preventive devices are to be formulated in the light of these unfavourable or undesirable family conditions.

In the first place, broken home condition, one of the main contributors in delinquency, is to be reduced as far as possible. No doubt death is uncontrollable but divorce, separation etc. of parents can be avoided. Absence of parents, due to death, does not have so adverse an effect on the character formation of an individual. But divorce, separation or desertion affects tremendously the psychological make-up of the children. Feelings of resentment, destructiveness, hostility and like-that are conducive to delinquency are generated in

such a situation. The choice of partner should be considered more carefully to avoid the possibility for future conflict.

Apart from this, quarrelsome atmosphere of the family should be avoided because quarrelsome home is the breeding centre of the bad children. For this purpose one has to remove the conditions of illiteracy, lack of morality, stress and strain relating to earnings, defective household routine, mismanagement of financial resources and the like- that stimulates a quarrelsome atmosphere. Defective discipline on the part of the parents or parent -substitutes is to be evaded. Too strict, too lenient, indifference and the like are the phenomena that are conducive to delinquency. Moreover, different type of treatment for different children is very harmful. Parents should have some ideas regarding child guidance and child psychology.

Besides, lack of recreational facilities in the family, absence of proper supervision of parents to the children, lack of family ambition or pride that produces aimless children and the like are also impediments to socially accepted behaviour formation of the children.

A major reason for the increase in crime and our sense of impotence in coping with it is directly attributable to confusing possible reasons for committing a crime with justification for doing so. As a result of this, we have tended to divest individuals of responsibility for their own actions and lose it in a morass of the social circumstances, everyone is not a criminal, and we are unsure about the legitimacy of pushing this line of argument very far, we have encapsulated all its ambiguities and internal contradictions in legislation governing youthful offending. This has, in turn, institutionalized and perpetrated much of the prevalent confusion and made crime more difficult to eradicate. This is a reason for the silly but persistent conflict between the forces of 'law and order' on the one hand and those of the academics and more liberal members of the public on the other. Indeed, the phrase 'law and order' itself encapsulates much of the distortion that polarisation of our social attitudes has brought about. We forget that 'order' is the prime social preoccupation and the 'law' is but one means of achieving and maintaining it. We forget that the law has no self-evident sanctity beyond being an expression of our wish to have a tolerably ordered society.

There is little reason to believe that many youngsters are pushed into offending by virtue either of their inheritance or of their social circumstances. Rather, many of them drift into crime in the absence of any prevailing internal or external controls strong enough to stop them. As crime is a multifaced phenomenon associated with, and maintained by, a whole variety of circumstances, it is absurd to think that it has only one cure. Nor is it the type of phenomenon which is awaiting its Archimedes to shout 'Eureka', though there have been enough claims for such panaceas. Instead, there are lots of little steps we can take which, cumulatively and over a period of time, will not eradicate crime but might result in a significant reduction in offending by youngsters.

The only course we can sensibly pursue is not to attempt to eliminate crime but to reduce it to a tolerable level- that is a level which does not make us anxious, which does not soak up such a large proportion of our resources and does not make us feel that disorder is about to prevail. What follows is a series of small, partial measures. They are neither exhaustive nor conclusive. Some of them are likely to provoke the response

that 'we have taken these measures in the past without success.' I believe this contention to be wrong. Apart from the fact that many of these measures have not been taken before, nor coherently as a package, we are never in a position to say that something does not work but only that it has not worked at a particular time and in a particular place. As the circumstances change, so a previously unsuccessful method may be found to be productive. Bearing in mind that our political, economic, ethical and professional considerations limit the range of our options, we have little choice but to go on trying out measures in different combinations and under different circumstances until we find those which are likely to be productive. Everyone of my suggestions is capable of detailed elaboration into a practicable scheme for which, I believe, we have the basic resources both of competent manpower and materials.

About 1,35,000 offences reported every year in India are committed by young people under the age of 18 years, a total which includes one third of all serious crimes against person and property with which the police deal. What is more, the number of crimes committed by both boys and girls is rising at an increasing rate each year. The more alarming feature is that the rise in the

juvenile delinquency cases was higher than the general crime. In 1986, an increase of 13.3 % over the previous year was noticed under the IPC cases registered against juveniles as compared to 1.5 % increase in the overall IPC crime during the same period. While during the same period population showed an increase of 2.0 %. The percentage of crime against person increased while percentage against property decreased, in the total crime committed by juveniles. The cases of 'Rape' are more increased.⁶ These figures, combined with calls for tougher 'law and order' measures for youthful offenders, massive unemployment among the young, and concern about police behaviour, have thrust juvenile crime into public awareness as never before. Therefore, I contend that it is futile to search for 'causes' of crime: most youngsters seem to drift into criminal acts, not because of heredity or social circumstances, but because of the absence of any prevailing internal or external controls. The response lies not in the nostrums of left or right but in a strengthening of the tools that lie to hand. Parents, the most significant and important agents of social control for delinquents, must be encouraged to contribute more

6. Crime in India, 1986, NCRB, Ministry of Home Affairs, Govt. of India, New Delhi.

actively to their children's upbringing and the long arm of social welfare must stop of short diverting them of responsibility. It is high time that schools began to accept their role in generating and contributing to anti-social acts; every school must be held responsible for the extent of truancy and other offences which prevails among its children. We must do away with inflated and jargon-ridden language with which advocates of 'diversion' define the community and find ways in which members of a visible and mutually known neighbourhood can have greater involvement in dealing with crime.

Prevention (including 'diversion'), treatment, and punishment are all legitimate, and potentially effective, responses to crime, but we can not teach our young offenders responsibility and respect for the law while we continue to muddle the three together; 'care' must stop being confused with punishment.

We can not eradicate crime among the young, but we can, through a rigorous application of our present resources, minimise its very costly impact.

S U G G E S T I O N S

- (1) Our first measures must inevitably concern parents, Of all the agents of social control they are the most significant and influential both in preventing delinquent behaviour and in curbing it in its early stages. We should much more centrally and directly confront parents with their own role in preventing their children's delinquent behaviour. We should do this for all our children, of all social classes, long before they become parents, and continue to educate them to do a more effective parenting job. We should encourage, particularly the more vulnerable, to take a much more active part in the control of their children, and, if necessary, back this up by various inducements. We can bind them together in the form of mutually reinforcing contracts towards prosocial behaviour. For those parents whose children have committed offences, we should help them to control their children and resist separating them unless all other possible measures have been exhausted. We should begin to pull back the long arm of our social welfare, as in the present care proceedings, which divests parents of responsibility for their

children's anti-social behaviour. In the long run the only sensible approach seems to be supporting parenthood to reduce its vulnerability to stress and retain its focus on control and enhancement of children.

- (2) With peers we can do little but to engage them in the same broad thrust towards prosocial behaviour. More active engagement of young people in interesting pastimes(and this does not mean necessarily more resources or greater availability of money) and their encouragement towards preventing each other from commission of anti-social acts would go some way towards this. Although it sounds platitudinous and naive to suggest that young people who are brothers in crime can prevent each other from getting caught up in persistent offending, we cannot reject this simple approach, possibly through various material inducements and group contracts, until we have tried it out. This may provide a much needed focus for the extensive network of youth and community facilities currently in existence.
- (3) Next to parents, teachers and schools have perhaps the most significant impact on shaping children's

attitudes during the critical periods of childhood and adolescence. To achieve better control capability, teachers need to place much greater emphasis on the shaping of prosocial behaviour and development of self-control than they do at present. In part this requires less reactive and substantially more competent controlling ability on their part, particularly those who are associated with producing a disproportionate number of delinquent youngsters from their schools. The atmosphere of the school and the positive measures it takes to reduce disruption and delinquency through creating a pleasant and engaging approach to children is clearly a critical element. To enhance this function it may be necessary to encourage teachers to extend their involvement with children, particularly those at risk, beyond the school hours and the current programme of extra curricular activities.

- (4) Every school, its head and teachers, should be held responsible for the extent of truancy and other anti-social behaviours which prevails among their children. Clearly this needs to take account of the facilities and support which the school receives

in order to carryout their social control task. But equally clearly, it demands a reorientation of the school to accept responsibility for its part in generating and contributing to anti-social behaviour. Accordingly, it may be helpful to require every school to give an account of what measures it has taken to curb individual youngsters' unacceptable behaviour. Whether this is done by producing appropriate reports or by 'appearing in the dock' with a youngster is a matter for consideration. The important point is that the state schools system, while swallowing up a large chunk of our national income, does not adequately account for its performance, either academically or socially. It is high time it did. Moreover, in view of the arguments presented so far, it would seem eminently sensible to pay considerably greater attention to educating children in parenting and citizenship skills than has been attempted so far. We need academically bright and scholastically competent youngsters. But we also need a society in which they, as a minority, are not spending their energies and what they earn for our society to support the majority of the non-academic youngsters who present us, in the course

- of their life span, with most of our problems.
- (5) The educational system operates within the community, as does the delinquent, and yet we have tended to separate both from their social context. This is, impart, dueto the development of the specialist and 'expert' bureaucracy which has divested communities of their responsibility for generating and maintaining social problems. To ameliorate this we need to re-focus our attention on community control, not in the jargonistic sense used in the 'alternative society' discussions. Members of a visible and mutually known neighbourhood or other locally demarcated area must assume responsibility for their youngsters and other problem people in their midst. This implies a much greater degree of self-determination, which in turn demands a decentralization of much of current local government bureaucracy. While the latter does not require the dismantling of our present system, it does require a much greater shift towards neighbourhood and community network self-determination. Almost every piece of available evidence shows how frequently local government

machinery is at variance with local demands.

It should not be impossible to devise practicable and highly economic incentives to encourage the community network to provide effective levels of control against the offending of its young.

- (6) The police are the visible symbol of the community's will to maintain order and protect some of its critical values. Perhaps the most urgent task facing us is to stop deceiving ourselves that the police are anything, but one, and even then not the most powerful, element for the enforcement of order. Order is maintained by people, not by police. In keeping with this, we should discourage the police from adopting values and attitudes which lead them to arrogate to themselves a status above that of other citizens and behave in a manner which produces fear and resentment. An extension of this idea is the increasing reliance on people as individual citizens to encourage each other to maintain order and only use the police as a back-up when other measures have failed. This does not mean that we ask the police not to enforce the law when necessary. But, in the long run, they are

likely to become even less effective than they are now in keeping down crime if we do not massively increase the community's committing to policing itself.

- (7) Most youngsters get away with the crime they commit, thus reinforcing their anti-social behaviour, perhaps the next most critical matter is to encourage police efficiency by increasing their visibility and awareness of crime. Such matters as police handling of juveniles and the use of informal powers with minority youngsters are matters of central concern to police training, and should receive the highest priority. We should strive to substantially improve the quality of our police through both recruitment and training. A focal concern of such training would be to inculcate the view that firm and efficient policing is not incompatible with kindly and liberal attitudes to young offenders.
- (8) The magisterial system could be simplified. In cases where guilt is not in doubt, the adversarial system should be removed and the current dependence

on reports of dubious usefulness substantially reduced; in doing so, the whole process could be streamlined and could demand much less with the magisterial system and its replacement by other bodies would have any impact on the juvenile crime rate. The same can be said of any changes in legislation unless they were to remove whole categories of crimes from the statute book.

Instead, legislative effort should be aimed at setting the boundaries beyond which magistrates and others should not go, rather than specifying, as is done at present, the measures they may take.

- (9) Many of the consequences of the court's decisions become manifest in the actions of social workers and probation officers. Their acts of omission and commission in doing what is necessary with a youngster to impede his further delinquency are as much aspects of injustice as are the vagaries of the court. The single most critical aid to their better performance is to provide them with better training which would enable them to identify clearly what they are attempting to do, why and how. Their tasks would then become much more rational and problem-centred. Both monitoring and the accountability which it facilitates should become essential

parts of what are, at present, exceedingly disordered operations. As an aid to this and to the wider concept of justice, it may be well worth pursuing the notion that all contracts between the agents of the court and young offenders should be contractual, time-limited and of a known content. If the youngster, his family and the court know what is being proposed, it is much easier for them to keep an eye on what is actually offered, and, through appropriate feedback, close the gap between aspiration and reality.

- (10) All institutions are relatively closed and exert disproportionate power over individual youngsters, it is more important to lay down rules of what they may not do and ensure that the youngsters in them are aware of these rules. Although this creates problems of organisational management, it nevertheless repays the trouble by much greater sense of safety and dignity generated in the residents. When rules are made about what may not be done rather than what shall be done there is then room for the exercise of creative ingenuity which results from the interaction of particular adults and young people. Task-centredness would

demand that each youngster's programme is defined
an evidence kept of how it has been carried out.
To help towards this accountability, it seems
imperative that all institutions, including
prisons and borstals for young people, should be
substantially more open to public scrutiny than
they are at present.

- (11) Rigour and empirical validity, are neither necessary nor sufficient justifications for the use of punishment. For those we must rely on the principle of 'just desert' which applies no less in the case of youngsters than that of their elders. We should reintroduce punishment into our armoury of social responses to anti-social behaviour of young people without apology or the use of illegitimate euphemisms which create both resentment and the tendency to neutralise the impact of our punishment. We should try much harder than we do at present to ~~make~~ our punishments more visible and inevitable as a result of wrongdoing. We should not allow personal factors to remove the idea of desert unless we have exceptional reasons to the contrary. Reducing the age of

criminal responsibility is not likely to be helpful in this context and may further erode notions of paying for the damage done. The aim of a regulatory tariff of punishments should be to set upper limits for what punishments may not be inflicted but to leave it to a publicly accountable system to determine what specific price shall be paid by an individual youngster for the wrong done. This would be essential if we are to get away from the present predictable, humdrum and hide-bound range of punishments. By setting the upper limits we make sure that no unacceptable retribution is meted out. But by leaving open the rest of the tariff, we mobilise the creativity of the sentencing process, even if it is at the cost of violating a narrow definition of justice.

- (12) Unless institutions are to be used for and as punishment, it seems sensible that a youngster's length of stay in an institution should be devised on the basis of visible provision of services. This demands that even in community homes a youngster's stay is finite and time-limited

but extended when evidence has been provided that something specific is being done to, with and for the youngster. Whether and how young people should be sent to institutions is an ideological question to which there is no satisfactory answer. However, if institutions can be so set up to be more beneficial than damaging, it seems eminently sensible that they should not be used as 'end of the line' facilities. We can expect institutions to be relevant and efficient but it is unreasonable to expect them to resuscitate the metaphorically 'dead'.

- (13) Because of the extent and diversity of problems of anti-social behaviour, we need the maximum conceivable range of responses to law breaking. For this reason we can not dispense with diversion, treatment or punishment. To do so would be to do violence both to the complexity of the problems and the potential beneficial effect of our intervention. The critical issue is how should we set about employing each of these media of intervention effectively.

- (14) We need a coherent definition of the theoretical basis for preventive and diversionary measures. Such a theoretical basis would include elaborating what each of the relevant concepts implies, how it can be translated into a particular range of methods and the appropriate methods converted into a cluster of related practices. Having determined how best these translations can take place, we can then set up the processes efficiently and monitor them rigorously in order to find out what types of preventive and diversionary measures work with particular types of youngsters. In taking these measures we should beware of creating yet another layer of people who are dependent on identification of crime for their livelihood. Rather, we should redeploy some of our present manpower resources towards achieving this task. We should also be particularly chary of the undesirable side effects of identifying yet another group of youngsters who we believe need our intervention. If we are to engage in preventive work, we ought not to use the results of our failure as a means of obliquely, but powerfully, prejudicing future decisions against youngsters. While changing the environment as a

means of inhibiting anti-social behaviour seems both sensible and attractive, we should be concerned lest in the process we create a fortress society.

- (15) Much of the comments on prevention and diversion apply to attempts at treatment. Here the absence of a theoretical framework is not so much of a problem as is the translation of that framework into the relevant methods and, even more critically, to the people who are supposed to be carrying out the treatment. We should neither castigate treatment nor plead specially on its behalf. It is but one medium of intervention which depends for its success on sustained enthusiasm, hard work and self critical application of treatment measures. One such cluster of measures concerns the 'treatability' of particular conditions and the relevance of the specific treatment methods to it. We have as yet no universally shared, rigorous and evidence-based disciplines of assessment or treatment, and until we do so (and there is no reason why we should not) , we are unlikely to get much that is better than the currentt hit -and-miss gains and losses of attempts at treating young offenders.

(16) Crime is not a unitary problem, does not have a single explanation and is unlikely to be susceptible to a single solution. None of the measures which I have suggested are likely to make much of an impact in the long run unless we begin the process of bringing back the notion of responsibility for our own and others' behaviour. Even when we are not direct victims of a crime, we pay for it in the long run. It is both unintelligent and costly to imagine that crimes committed are someone else's responsibility. An important element in exercising such responsibility is attempting to do something about those social and personal conditions that are associated with propensity to offending. Responsibility is a concept which must be explicitly articulated for people to take note of it. We cannot expect our children and those who bring them up to have much regard for responsibility unless they have been brought up accordingly. Therefore, in my mind, the only means available to us to create a greater sense of sharing of the benefits and ailments of our society is through education for citizenship, of which parenting is a critical part. The one

thing we know for certain is that most delinquents become so because of the relative lack of control exercised by parents through poor attachment, provision of example, and exercise of boundary setting. It is not that parents willingly bring up their children to become delinquent, but rather that for a variety of reasons they are disinclined, ignorant and devoid of opportunity to exercise better parenting skills. Education is a mandatory and universal service, we have substantial opportunities for inculcating basic parenting and citizenship skills during children's school years. We should augment and develop these with appropriate inducement during pre-parent hood years.

The ultimate test of society is in the sense of order and values it pursues. This is not only manifest in its creative and moral preoccupations but also in the caring it bestows on its problem people. Young offenders supremely embody and crystallise most of the elements we find in those of our fellow human beings who need our benevolent attentions. Judged by our

present practices with them , we cannot claim to be either wholly, efficient or always civilized. We owe it to ourselves and our young offenders to make a more concerted effort.

APPENDICES

A P P E N D I C E SFORM -I

Order requiring a Probation Officer to make
enquiries.

To

Probation Officer,

.....

Whereas (1) a report/complaint under section.....
of the Juvenile Justice Act, 1986 has been received from.....
..... in respect ofson / daughter of.....
(name of the juvenile)
residing at.....
(2)son/daughter of
residing at..... has been
produced before this Juvenile Welfare Board under the provisions
of sub-section(1) of Section 15 of the Juvenile Justice,
Act, 1986.

You are hereby directed to enquire into the character
and social antecedents of the said Juvenile and submit your
report of social enquiries on or before.....
or within such further time as may be allowed to you by the
Juvenile Welfare Board.

Dated this.....day of.....19

(Signature)

Chairman,
Juvenile Welfare Board

FORM-II

SUPERVISION ORDER

When the juvenile is placed under the care of a parent,
guardian or other fit person.

Case No.....of.....19

Whereas has

(name of the child)

this day been found to be neglected juvenile

.....

to have committed an offence.

And, whereas section..... the said juvenile
has been placed under the care of (name).....
(address)
on executing a bond by the said.....

And , whereas court is satisfied that it is expedient
to deal with the said juvenile by making a order placing
him / her under supervision.

Now, therefore, it is hereby ordered that the said
juvenile be placed under the supervision of.....
a probation officer, for a period of.....subject
to the following conditions, a namely-

- (1) that the juvenile along with copies of the order and
the bond executed by the said.....
will be produced before the probation officer named
therein.....,
- (2) that the juvenile will be submitted to the supervision
of the Probation Officer;
- (3) that the juvenile will reside at.....
for a period of.....,
- (4) that the juvenile will not be allowed to quite the
district jurisdiction of.....
without the written permission of the probation
officer ;

- (5) that the juvenile will not be allowed to associate with bad characters;
- (6) that the juvenile will live honestly and peacefully ;
- (7) that the juvenile will attend the office of the District Probation Officer regularly ;
- (8) that the person under whose care the juvenile is placed will arrange for the proper care education and welfare of the proper care education and welfare of the juvenile;
- (9) that the preventive measures will be taken by the person under whose care the juvenile is placed to see that the child does not commit* any offence punishable by any law for the time being in force;
- (10) that the juvenile will be prevented from taking narcotic drugs or psychotropic substances or any other intoxicants;
- (11) that the directions given by the probation officer from time to time for the due observance of the conditions mentioned above, will be carried out.

Dated this..... day of 19

(Signature)

Chairman, Juvenile Welfare Board

.....

Principal, Magistrate, Juvenile Court

* Additional conditions, if any, may be inserted by the juvenile Welfare Board / Juvenile Court.

FORM -III

SUPERVISION ORDER

When the child is ordered to pay fine under clause (e) of sub-section(1) of Section 21 of the juvenile Justice Act, 1986

Case No.....of19

Whereas

(name of the juvenile)

resident of

(give full address such as house, No., Road, village/ town, district, etc.) has this day been found guilty of an offence under section..... and has been ordered to pay fine of Rs..... and the Juvenile Court is satisfied that it is expedient to deal with the said juvenile by making an order placing him/her under supervision.

Now, therefore, it is hereby ordered that the said juvenile be placed under the supervision of..... a probation officer for a period.of..... and shall observed the following conditions, namely-

- 1) that he will present himself within fourteen days from the date of this order before the probation officer named herein, will produce copy of the order ;
- 2) that he will submit himself to the supervision of the probation officer ;
- 3) that he will, during the period specified herein, keep the probation officer, advised of his place of residence and means of livelihood/ place of work/ place of education and progress in education;
- 4) that he will attend the officer of the District Probation Officer regularly;
- 5) that he will ~~not~~ associate with bad characters to lead and dissolute life ;

- 6) that he will live honestly and peacefully and go to school regularly/ endeavour to earn an honest livelihood ;
- 7) that he will not commit any offence punishable by any law in force in India;
- 8) that he will abstain from taking intoxicants ; and
- 9) that he will carry out such directions as may, from time to time be given by the probation officer, for the due observance of the * conditions mentioned above.

Dated this.....day of.....19

(Signature)

Principal Magistrate, Juvenile Court

*Additional conditions, if any, may be inserted by the juvenile court, if necessary. To be renumbered, if necessary.

FORM IV

Order of detention under sub-section (2) of Section 15 or
under clause (c) of sub-section (1) of Section 21 of the
Juvenile Justice Act, 1986.

To

The Superintendent,

.....

Whereas on the.....day of.....19.....
son /daughter of(Name of juvenile)
aged.....residing atbeing found in
case No.....

* to be a neglected juvenile

.....

*to have committed an offence under
section.....was ordered by me.....

*Chairman, Juvenile Welfare Board

.....

*Senior Magistrate, Juvenile court

under section.....of the Juvenile Justice, Act, 1986

to be detained in theJuvenile Home.....

Special Home

for a period of

This is to authorise and require you to receive the
said juvenile into your custody, and to keep him/her
in the.....Juvenile Home.....

*Special Home

for the aforesaid order to be there carried into execution
according to law.

Given under my hand the seal of Juvenile Welfare Board
.....
Juvenile Court

Thisday of 19

(Signature)

Chairman, Juvenile Welfare Board

Principal Magistrate, Juvenile Court

Encl :

Copy of the Judgment

if any , or orders,

particulars of home and previous record.

*Strike which is not required

Previous history of the Juvenile under the Juvenile Justice,
Act, 1986

Date	Order passed including period of detention,if any	Section	Competent authority
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FORM V

Bond to be executed by a Parent /Guardian /Relative or fit person to whose care a child is committed under Section 16(1) or Section 21(1) (b) of the Juvenile Justice, Act,1986.

Whereas I being the parent, guardian, relative or person under whose care (name of juvenile) has been order to be placed by the Juvenile Welfare Board /Juvenile's Court.....have been directed by the said Juvenile Welfare Board/Juvenile Court to execute a bond in the sum of rupees.....(Rupees.....) with one surety*/two sureties. I have bind myself on the said.....being placed under my care I shall have the said.....properly taken care of and I do further bind myself to be responsible for the good behaviour of the said.....and to observe the following conditions for a period of..... years commencing from.....

- (1) that I shall not change my place of residence without giving previous intimation in writing to the Juvenile Welfare Board/Juvenile Court through the probation Officer;
- (2) that I shall not remove the said..... from the limits of the jurisdiction of the Juvenile Welfare Board/ Juvenile Court without previously obtaining the written permission of the Board /Court;
- (3) that I shall send the said..... daily to school / to such daily work as in approval by the Board/Court unless prevented from so doing by circumstances beyond my control ;
- (4) that I shall send the said..... to the office of the District Probation Officer regularly unless prevented from doing so by circumstances beyond my control ;
- (5) that I shall report immediately to the Board/Court through the probation officer, if the said..... misbehaves or absconds from my care ;

- (6) that ^I shall produce the said..... before the Board/
Court whenever so required by it ;
- (7) that I shall render all necessary assistance to the
probation officer to enable him to carry out the
duties of supervision ;
- (8) in the event of my making default herein, I bind
myself to forfeit to Government the sum of Rupees..
..... (Rs.....) .

Dated this the..... day of19

Before

(Signed)

(Signature of person
executing the bond)

Additional conditions, if any, by the Juvenile Court/Board may
be entered numbering them properly.

(where a bond with sureties is to be executed add).

I/we.....son of.....of.....
.....

(Place or residence with full particulars)

hereby declare myself, surety/ourselves sureties for the
aforesaid.....

(name of the person executing the bond)

that he shall do and perform all that he has undertaken
to do and perform and in case of his making fault therein;
I/We hereby bind myself/ ourselves jointly and severally
to forfeit to Government the sum of Rs..... dated this the
..... the day of..... 19

(Signed)

In the presence of

FORM -VI

Bond to be signed by juvenile who has been ordered under clause (e) of sub-section (1) of section 21 of the Juvenile Act, 1986

Whereas I.....son of.....
inhabitant of.....

(give full particulars such as House number`

.....

(road, village-town , district state)

..... have been ordered to be sent back to my native place by the Juvenile Welfare Board/Juvenile Court..... under Section 21 of the Juvenile Justice Act, 1986 on my entering into a bond under sub-rule (2) of Rule 8 of the Juvenile Justice(Uttar Pradesh) Rules, 1987 to observe the conditions mentioned herein below. Now, therefore, I do solemnly promise to abide by these conditions during the period.....

I hereby bind myself as follows -

- (1) that during the period.....I shall not ordinarily leave the village/ town /district to which I am sent and shall not ordinarily return to..... or go anywhere also beyond the said district without the prior permission of the Board/Court :
- (2) that during the said period I shall attend work/school in the village/town or in the said district to which I am sent ;
- (3) that in case of my attending work /school at any other place in the said district I shall keep the Board /Court informed of my ordinary place of residence;
- (4) that I shall be of good behaviour and shall not in any way commit any breach of conditions laid down in this bond and accepted by me ;
- (5) that during the period specified in the order I shall particularly observe the following conditions-

- (a) that I shall accept the guidance and assistance of the relative or fit person to whom I am sent as named in the order and will obey the directions given to me from time to time by the said person ;
 - (b) that I shall not play truant from home, school, work or place to which I am sent ;
 - (c) that I shall live honestly and peacefully and will endeavour to earn on honest livelihood/ attend school regularly and obey the authorities, shall not change my employment/ school without the permission of the relative or fit person to whom I am sent ;
 - (d) Additional conditions, if any.
- (6) In case of my making default in observing any of the conditions specified above I shall on my reappearance before the competent authority receive such order as the competent authority deems fit.

Dated this..... day of.....19

Signature and address of witness Signature or mark
(es)-

- 1.
- 2.

FORM VII

Undertaking to be given by the relative of fit person to
whose care the juvenile is to be sent to his native place

I,
resident of.....

(give full particulars such as house number)

.....
road, village/town, district, state)

do hereby declare that I am willing to take charge of.....
aged..... under the orders of the Juvenile Welfare
Board/ Juvenile Court/ Magistrate.....subject to the
following terms and conditions:

- (i) If his/her conduct is unsatisfactory I shall at
once inform the competent authority.
- (ii) I shall do my best for the welfare and education
of the said..... as long as he /she remains
in my charge and shall make proper provision for
his/ her maintenance.
- (iii) In the event of his /her illness , he /she shall
have proper medical attention in the nearest
hospital.
- (iv) I undertake to produce him/her before the competent
authority when so required.

Dated this..... day of..... 19

Signature and address of
witness (es).

Signature

- 1.
- 2.

FORM VIII

FORM OF LICENCE

I,
 (Name and designation of the licensing
 authority)

Director do by this licence permit..... son/daughter of
caste.....residence
 number..... who was ordered to be detained in a
 Juvenile Home, Special Home, Observation Home or After Care
 Home by the Juvenile Welfare Board/Juvenile Court.....
under section.....of the
 Juvenile Justice Act, 1986 for a term of..... on the
 day of.....19, and who is now detained in the.....
 at..... to be discharged from the said
 on condition that he/she be placed under the supervision and
 authority of.....during the remaining portion
 of the aforesaid period of detention.

This licence is granted subject to the conditions
 endorsed herein, upon the breach of any of which it shall be
 liable to be revoked.

Dated the

Place :

Signature and designation of

Licensing Authority

CONDITIONS

1. The license shall proceed to and
 live under the supervision and authority of..... until
 the expiry of the period of his/detention unless the remission
 is sooner cancelled.

2. He/she shall not without the consent of the said.....
 remove himself/herself from that place or any other place
 which may be named by the said.....

3. He/She shall obey such instructions as he/she may receive from the said..... with regard to punctual regular/ attendance at employment or otherwise.

4. He/she shall attend the office of the District Probation Officer atregularly.

5. He/she shall abstain from committing any offence shall lead a sober and industrious life to the satisfaction.....

6.

7.

8.

9.

10. In the event of his/ her committing a breach of the above conditions the remission of the period detention here by granted shall be liable to be cancelled and on such cancellation he/ she shall dealt with under sub-section (3) of Section 49 of the Juvenile Justice Act, 1986.

I hereby acknowledge that I am aware of the above conditions which have been read over explained to me and that I accept the same.

(Signature or mark of the licenc

Certified that the conditions specified in the above order have been read over/ explained to (Name)..... and that he/ she has accepted them as the conditions upon which the remission of the period of detention has been granted to him/her and that he she has been released accordingly on the.....

Signature and designation of the
certifying authority(i.e. superint-
endent of the Institution).

Additional conditions, if any to be imposed may be inserted by the Licensing Authority.

To be numbered where necessary.

FORM IX

Vide Sub-rule (1) of Rule 44

Report on Preliminary Enquiry

Sl.No.....
 Submitted to the Juvenile Court/Juvenile Welfare Board.....
in the court of

Court Case No.

Probation Department

Case No.

Under Section

Title of Case

Police Station

Nature of offence, charged
 (in the case of delinquent juvenile only)

Name

Father's Name

I Religion

Permanent Address

I Caste

Last address

Year of birth

before arrest

age

Sex

Previous court or institutional history

Family

Members of Family	Name	Age	Health	Occupation or School	Wages if any
-------------------	------	-----	--------	-------------------------	-----------------

Father

Step Father

Mother

Step mother

Sub-mother

Siblings

If married, relevant particulars

other near relatives or

agencies interested

Attitude towards religion

normal and ethical code of

the home etc.

Social and economic status

Delinquency record of members of
family

Present living conditions

Relationship between parents/
parent and children especially
with the child under investiga-
tion

Other facts of importance if any

Juvenile's History

Mental conditions past and present

Physical conditions past and present

Physical conditions past and present

Habit, interests(moral recreational
etc.)

Outstanding characteristics and
personality traits

companions and their influence

Truancy from home, if any

Previous delinquency, if any

School (attitude towards school
teachers' class-mates and

vice versa

Work record (Jobs hold reasons
for leaving vocational interests,
attitude towards job or
employers)

Neighbourhood and neighbours
report

Parents attitude towards discipline
in the home and child reactions

Any other remarks

RESULT OF ENQUIRY

Emotional factors

Physical conditions

Intelligence

Social and Economic factors

Religious factors

Suggested causes of the problems

Analysis of the case giving an
idea as to how the delinquency
behaviour developed.

Recommendations regarding treat-
ment and its plan by Probation
Officer,

Signature of Probation Officer

FORM-X

Monthly Report of Progress of Probationer

PART-I

Name of the Probation Officer

for the month of

Register No.

Competent authority

Case No.

Name of the Child

Date of supervision order

Address of the child

Period of supervision

PART-II

Places of interview

Dates

.....

.....

.....

.....

.....

.....

.....

.....

1. Whether the child is residing?

2. Progress made in any educational/training course.

3. What work he/she is doing and his/ her monthly
average earning, if employed.4. Savings kept in the Post Office Saving Bank Account
in his/her name.

5. Health of the juvenile

6. Remarks on his/her general conduct and progress

7. Whether properly cared for?

PART-III

8. Any proceedings before the competent
authority of , or

(a) Variation of conditions of bond

(b) Change of residence

(c) Other matter

9. Period of supervision completed on
10. Result of supervision with remarks (if any)
11. Name and address of the parent or guardian or fit person under whose care, the juvenile is to live after the supervision period is over.

Date of report

Signature of the Probation
Officer

Show cause notice under sub-section(2) of section 14
No.

Whereas, a report from..... has been received
under sub-section (1) of Section 14 of the Juvenile Act,
1986 and whereas there is reason to believe that
.....son/daughter of
Name of Juvenile residing atis a
neglected Child.

Whereas,residing at
(Name of the parent or guardian)
.....is reported to have the actual charge of or con-
rol over the said juvenile the said..... is hereby
called upon to produce the said.....before
this Juvenile Welfare Board on.....day of..... 19.....
hours and to show cause why the said
should not be dealt with as neglected under the provisions (Name of child)
of the Juvenile Justice Act, 1986, dated this.....
day of.....19.

Juvenile Welfare Board.

FORM -XII

Search warrant under sub-section(2) of Section 14 of the
Juvenile Justice Act, 1986).

Case No.

To (name and designation of the officer who is to execute the
warrant)

Whereas..... residing at..... under the actual
charge of control of..... is apparently a neglected juvenile
and is required to be dealt with under the provisions of the
Juvenile Justice Act, 1986.

And, whereas, it has been made to appear to be that the
said juvenile is likely to be removed from..... or to be concealed

Now, therefore, this is to authorise and require you to
search for the said..... in the..... and if found, to produce
him/her forthwith before this Juvenile Welfare Board returning
this warrant, with an endorsement certifying what you have
done under it, immediately upon its execution.

Given under my hand and the seal of the Juvenile Welfare
Board.

This.....day of.....19

(Signature)
Chairman, Welfare Board.

FORM-XIII

Order for the removal of a juvenile from the charge of his parent or guardian under sub-section (2) of Section 14 of the Juvenile Justice Act, 1986).

(name and designation of the person who is to execute the order)

Whereas..... residing at.....

under the actual charge of control ofis apparently neglected juvenile and is required to be dealt with under the provisions of the Juvenile Justice Act, 1986.

And, whereas, there is reason to believe that the said Juvenile is likely to be removed from..... or to be concealed.

You are, therefore, hereby directed to remove the said Juvenile, from the charge or control ofto the Observation home..... dated the..... day of.....19.

Chairman, Juvenile Welfare Board.

Report of the Probation Officer for the purposes of sub-section (3) of section 16 or provision to sub-section 2 of (21) of the Juvenile Justice Act, 1986.

Name of the Probation Officer under whose supervision the juvenile has been placed under supervision.

Order No. and date under which the juvenile has been placed under supervision.

Competent authority under whose orders the juvenile has been placed under the supervision.

Name of the juveniles guardian or other fit person under whose care the juvenile has been placed.

Place of residence:

Whether there has been breach of any of the condition imposed by the competent authority if so, state the condition breach of which has taken place.

Whether the juvenile has not been of good behaviour; if so, justify the same.

Whether the juvenile is not being looked after properly. If so, justify the same.

Whether the juvenile is/ is not attending his place of employment regularly.

Whether the juvenile is not attending the attendance Centre.

Any other reasons for which the juvenile is recommended to be sent to a Juvenile Home / Special Home.

Name of the Juvenile Home/Special Home where the juvenile is recommended to be sent.

Date

Signature of the Probation Officer

FORM-XV

Information of arrest of a juvenile to his/her parent or guardian vide clause(a) of Section 19 of the Juvenile Justice Act, 1986.

Whereas (name of the juvenile).....
son/daughter of aged.....resident
of..... has been arrested under section..... and
has been kept in the observation Home at.....
will be produced before the Juvenile Court at.....
(on date).....

(Name of the parent or guardian)
resident of..... is hereby directed to be
present at the Juvenile Court.....
on at (time).....

Date

Signature of Officer-in -charge of
the police Station.

FORM XVI

Information of arrest of a juvenile to the Probation Officer-vide clause (b) of Section 19 of the Juvenile Justice Act, 1986.

Name of the Juvenile	..	..	...
Age	..	..	...
Son/daughter of	..	..	...
Residing at	..	..	...
Under the care of	..	..	...
Date and time of arrest..	..	..	...
Place of arrest	..	..	...
Section under which arrested	..	..	...
Brief history of the case..	..	..	...

Whether kept in the observation Home and, if so,
name of the observation Home?

Date-

Signature of the Officer-in-charge
of the Police Station

To

The Probation Officer,

.....

.....

.....

FORM - XVII

(Order the competent authority sending a juvenile to a Juvenile Home/Special Home under the provisions of sub-station (3) of Section 16 or under provisions of sub-section (2) of Section 21 of the Juvenile Justice Act, 1986).

No.

ORDER

Competent authority.....

Whereas,.....(Name of the juvenile)
 son/daughter..... resident of
 was placed under the care of
 resident of..... under section..... of the
 Juvenile Justice Act, 1986 vide Order No. ,.....dated.....
 and was further placed under the supervision of.....
 (Name of the Probation Officer)
 under section..... vide order No.....
dated.....

And whereas on the report of the said Probation Officer and on making necessary inquiry it has been found expedient to deal with the said juvenile under section..... of the Juvenile Act,1986.

Now, therefore, it is hereby ordered that the said.....
 (Name of the Juvenile)
 be sent to the Juvenile Home /Special Home.....
 for a period of..... dated this.....
 day of19.

Signature,

Chairman, Juvenile Welfare Board,
 Senior Magistrate, Juvenile Court.

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